

1 FRANKLIN COUNTY PLANNING AND ZONING COMMISSION
2 FRANKLIN COUNTY GOVERNMENT CENTER
3 SECOND FLOOR COMMISSION CHAMBERS
4 400 EAST LOCUST STREET
5 UNION, MISSOURI 63084

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9 TRANSCRIPT OF PROCEEDINGS
10 PUBLIC MEETING

11
12

(Commencing at 7:00 p.m.)

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23 Reported by:
24 Patsy A. Hertweck, C. R.
25 Midwest Litigation Services

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P R O C E E D I N G S

[JULY 18, 2017]

CO-CHAIRMAN SCHULTEHENRICH: Okay.
It's now seven o'clock. I'd like to call the July 18th
Franklin County Planning and Zoning Commission meeting to
order.

Scottie, could we have a roll call.

MS. EAGAN: Bill Evans?

CHAIRMAN EVANS: [Not present.]

MS. EAGAN: Jay Schulteheinrich?

CO-CHAIRMAN SCHULTEHENRICH: Here.

MS. EAGAN: Todd Boland?

COMMISSIONER BOLAND: Here.

MS. EAGAN: Tim Reinhold?

COMMISSIONER REINHOLD: Here.

MS. EAGAN: Ray Cunio?

COMMISSIONER CUNIO: [Not present.]

MS. EAGAN: Tom Tobben?

COMMISSIONER CUNIO: [Not present.]

MS. EAGAN: Bill McLaren?

COMMISSIONER McLAREN: Here.

MS. EAGAN: Stan Voss?

COMMISSIONER VOSS: Here.

MS. EAGAN: Dan Haire?

COMMISSIONER HAIRE: Here.

1 MS. EAGAN: Russell McCreary?

2 COMMISSIONER McCREARY: Here.

3 MS. EAGAN: And, Ron Williams?

4 COMMISSIONER WILLIAMS: Here.

5 MS. EAGAN: Okay. We have a quorum.

6 CO-CHAIRMAN SCHULTEHENRICH: Thank
7 you, Scottie.

8 Now I'd like to ask if any of the Commissioners
9 have anything to disclose in regards to any of the items on
10 tonight's agenda that may be of conflict with you in regards
11 to any voting on any of these matters.

12 [NONE]

13 Hearing none, Scottie, I'll go back to you then
14 for a presentation of the meeting procedures and exhibits.

15 MS. EAGAN: Tonight's Planning
16 Commission meeting is governed by the Franklin County
17 Unified Land Use Regulations.

18 Some matters on the agenda may be for action by
19 the Planning and Zoning Commission. These matters do not
20 involve public hearing. Other matters on the agenda require
21 public hearings under Missouri law. If a matter involves a
22 public hearing, all individuals who desire to testify will
23 be given an opportunity to do so.

24 At this time, I would like to place into the
25 record these Regulations as Exhibit A, the official Zoning

1 Map as Exhibit B, the official Master Plan as Exhibit C, and
2 the case file for each case as Exhibit D for all the cases
3 to be heard during the meeting.

4 [Thereupon, evidence was marked
5 for identification and presented for
6 the record as Planning and Zoning
7 Exhibits A, B, C, and D.]

8 All Old Business items on the agenda will be
9 dealt with first.

10 Once the Old Business issues have been taken
11 care of, each item of New Business will be opened.

12 As each case is opened, a staff report will
13 first be read to the Commission, followed by any questions
14 of the staff.

15 Then if anyone in the audience would like to
16 speak or comment on a file that is part of the public
17 hearing, they must first print their name on the sign-in
18 sheet provided, and then be sworn in by the Chairman.

19 When it is your turn to speak, you will come to
20 the front of the room to address the Commission and only the
21 Commission, not anyone in the audience, with your comments.

22 It is possible for the Planning Commission to
23 decide to move a New Business issue to Old Business and vote
24 on it the same night.

25 At the conclusion of all questions, comments,

1 and discussion concerning each case, the Planning Commission
2 will proceed. Any final decision by the Planning and Zoning
3 Commission concerning conditional use permits may be
4 appealed to the Board of Zoning Adjustment any time within
5 90 days.

6 Applications for such an appeal may be acquired
7 from the Department offices during normal business hours.

8 CO-CHAIRMAN SCHULTEHENRICH: Thank
9 you, Scottie.

10 Everybody who read the minutes of the June 20th
11 Commission meeting, do you have any comments, any
12 corrections? If so, now would be the time to express them.

13 [NONE]

14 Hearing none, I'll entertain a motion to
15 approve the June 20th minutes.

16 COMMISSIONER McCREARY: I'd like to
17 make a motion to approve minutes of June 20th.

18 COMMISSIONER McLAREN: Second.

19 CO-CHAIRMAN SCHULTEHENRICH: Okay.
20 We have a motion and a second. All those in favor signify
21 by saying aye.

22 COMMISSIONER REINHOLD: Aye.

23 CO-CHAIRMAN SCHULTEHENRICH: Aye.

24 COMMISSIONER VOSS: Aye.

25 COMMISSIONER McLAREN: Aye.

1 COMMISSIONER WILLIAMS: Aye.

2 COMMISSIONER BOLAND: Aye.

3 COMMISSIONER HAIRE: Aye.

4 COMMISSIONER McCREARY: Aye.

5 CO-CHAIRMAN SCHULTEHENRICH: All

6 opposed?

7 [NONE]

8 Ayes will have it.

9 Now we'll move on to Communications. Scottie,
10 do you have any communications for us?

11 MS. EAGAN: It's open to anyone here
12 who wants to come up and comment.

13 CO-CHAIRMAN SCHULTEHENRICH: I'll ask
14 the visitors to come up.

15 MS. EAGAN: I passed out a letter
16 from two of the neighbors and both parties that we have
17 today. Otherwise, you have two letters in your packet that
18 were mailed.

19 CO-CHAIRMAN SCHULTEHENRICH: Okay.
20 Thank you.

21 Now we'll have -- we'll open it up now for any
22 visitor's comments. Matters that will be regards to --
23 matters that may be coming in from of the Planning and
24 Zoning Commission here. And now would be the time to -- to
25 express any thoughts that you may have towards us, the

1 Planning and Zoning Commission. If so, come on up to the
2 microphone and express your thoughts.

3 Would you like to speak?

4 MS. NANCY WOOD: I didn't sign up.

5 CO-CHAIRMAN SCHULTEHENRICH: You can
6 come on up. You can sign up here. You have to sign in and
7 be sworn. No, we don't swear. We will not swear you. Just
8 have to be signed.

9 [Thereupon, the witness was sworn.]

10 CO-CHAIRMAN SCHULTEHENRICH: Ma'am,
11 before you speak, you'll be limited to three minutes on your
12 presentation. Okay. Just go right ahead.

13 MS. WOOD: Okay. My name is Nancy
14 Wood, and I live down the road and was sent information
15 concerning this meeting tonight.

16 We were under the impression from the card that
17 we would not be able to speak tonight.

18 CO-CHAIRMAN SCHULTEHENRICH: You will
19 not be -- you will not be able to speak on the matter that
20 will be -- when we get to File 170135. There will be no
21 public comments in that regard. Only written comments are
22 accepted by the Commission on preliminary plats.

23 MS. WOOD: So then at this point, we
24 can't say anything about that issue on Decker; is that
25 correct?

1 CO-CHAIRMAN SCHULTEHENRICH: On
2 speaking in general terms, okay, in regards to -- to the
3 matter at hand.

4 MS. WOOD: Oh, okay.

5 CO-CHAIRMAN SCHULTEHENRICH: I'll let
6 you do that, but not specifically on the matter having to do
7 with this Decker Road development.

8 MS. WOOD: Tell me if I'm okay saying
9 this. I don't want to say anything I shouldn't, but I just
10 ask that you please consider the issue of lack of sight
11 distance for the entrance when you consider this
12 development.

13 That's it. Thank you.

14 CO-CHAIRMAN SCHULTEHENRICH: Thank
15 you, ma'am. Okay.

16 Anyone else wishing to speak?

17 [NONE]

18 Seeing none, we'll move on then to File 170123,
19 the applicant is the Planning and Zoning Department. And,
20 Scottie, I'll go to you in this regards.

21 MS. EAGAN: This is File 170123. The
22 Planning and Zoning Department is seeking to amend the
23 Unified Land Use Regulation Pertaining to Article 4,
24 Applications, Permits and Hearings.

25 The only change in this article is going to be

1 found on page 4.9. What we're doing is we're adding any
2 regulations for expiration of Conditional Use Permits.

3 We never had a process of how to handle when
4 the conditional use permit approval expires as to -- what do
5 we do. So this is what we came up with.

6 We say:

7 "Conditional Use Permit approval
8 may expire for any of the following
9 reasons:

10 "1. There is no timeframe listed
11 on the face of the approved permit and
12 it has been one year or more since
13 approval and conditions still have not
14 been met.

15 "2. There is a specific timeframe
16 on the face of the approved permit, and
17 the conditions have not been met by the
18 time listed.

19 And then we go on to say:

20 "Before a conditional use permit
21 approval expires, a written notice shall
22 be delivered to the applicant by regular
23 mail from the Planning Director of the
24 Zoning Enforcement officer notifying the
25 applicant of what conditions have not

1 been met. The notice shall afford the
2 permit holder a specified time period
3 to complete those conditions.

4 "C: If the conditions are not
5 complete within the specified time
6 permit, the permit holder will be
7 notified by regular mail of the date
8 the permit application will be brought
9 before the Planning and Zoning Commission
10 for their determination on whether or
11 not the permit has expired. The
12 applicant will be given an opportunity
13 to speak to the Planning and Zoning
14 Commission."

15 And finally:

16 "D: If the Planning and Zoning
17 Commission determines the application
18 has expired, a letter will be sent to
19 the applicant notifying them of the
20 expiration."

21 So that's -- that's the regulations we came up
22 to handle all these approvals that have been expiring over
23 the past few years.

24 COMMISSIONER HAIRE: And, Scottie, is
25 this in addition to Section 90 that's in earlier in the...

1 MS. EAGAN: In addition to it?

2 COMMISSIONER HAIRE: Yeah, because in
3 the section I have lapse and expiration of permits.

4 MS. EAGAN: Yeah, that's mainly for
5 permits that have already been issued, and these are ones
6 that have just been approved, so not yet issued.

7 COMMISSIONER HAIRE: Okay.

8 CO-CHAIRMAN SCHULTEHENRICH: Any
9 other questions?

10 Scottie, so the way I understand this is
11 written, it would be the applicant who will be able to speak
12 to us, but this will not be an open hearing for any of the
13 surrounding landowners to speak. Is that what I'm
14 understanding the way we're proposing this here?

15 MS. EAGAN: Yes.

16 CO-CHAIRMAN SCHULTEHENRICH: Okay.

17 Anybody else have any questions?

18 [NONE]

19 Hearing none, --

20 [CROSSTALK]

21 COMMISSIONER HAIRE: I'll move that
22 we approve as amended.

23 COMMISSIONER McCREARY: I'll second.

24 CO-CHAIRMAN SCHULTEHENRICH: A
25 second. We have a motion and a second to approve as

1 submitted File 170123. All those in favor signify by saying
2 aye.

3 COMMISSIONER REINHOLD: Aye.

4 CO-CHAIRMAN SCHULTEHENRICH: Aye.

5 COMMISSIONER VOSS: Aye.

6 COMMISSIONER McLAREN: Aye.

7 COMMISSIONER WILLIAMS: Aye.

8 COMMISSIONER BOLAND: Aye.

9 COMMISSIONER HAIRE: Aye.

10 COMMISSIONER McCREARY: Aye.

11 CO-CHAIRMAN SCHULTEHENRICH: All

12 opposed?

13 [NONE]

14 The ayes have it.

15 We'll move on to File 170141. Scottie, I'll go
16 back to you as the applicant is the Planning and Zoning
17 Department.

18 MS. EAGAN: This is File 170141. The
19 Planning and Zoning Department is seeking to amend the
20 Unified Land Use Regulation pertaining to Article 8,
21 Subdivisions.

22 This amendment also will affect Article 2,
23 Definitions.

24 So the first change you guys will see involves
25 Article 2, and after a lot of discussion with surveyors and

1 Mark and the Commission, we kind of made the determination
2 that we're not going to have right-of-way into permits
3 anymore. It will be two separate things. We're just going
4 to have one thing across the board from now on, and that's
5 going to be our -- our easement.

6 So everything in Article 8 that says
7 right-of-way will now say easement. And our definition for
8 easement is:

9 "A legal interest in land
10 granted by the owner to another
11 person or persons or entity which
12 allows that person or persons the
13 use of the designated portion of
14 the owner's land for a stated purpose,
15 including but not limited to
16 rights-of-way or placement of
17 utilities. The easement may be for
18 use either on or above the property."

19 And then we changed right-of-way and got rid of
20 that definition. And now it'll just say "the easement".

21 So with that being said, I'm not going to go
22 through every single page of Article 8 because there's a lot
23 of changes we did in relation to changing right-of-way to
24 easement. So that's a lot of the changes in there.

25 Also some changes in here are reference to

1 since the County Commission made the decision to contract
2 out the IT for Franklin County. Now instead of saying that
3 all subdivisions go to the Information Technology/Addressing
4 Department, we switched that to just say Addressing
5 Authority. So that's a lot of changes to Article 8 as well.

6 And then the big change in Article 8 has to do
7 with zero lot lines. So if you go to page 8.28, if you
8 remember, I think it was -- I don't remember if it was last
9 month or two months ago we had a gentleman in who wanted to
10 do a zero lot line, but all those individual A, B, C, D lots
11 weren't meeting our 4:1 ratio.

12 So what we came up with is letter: "C: The
13 4:1 ratio may be exceeded as long as those lots as a whole
14 is in compliance."

15 So what that means with all of our zero lot
16 lines, we'll have the lot one being the whole lot and then
17 each individual lot will be Lot 1A, Lot 2A -- or Lot 1A, 1B,
18 1C, 1D.

19 So what this regulation is saying is we don't
20 care if Lot 1B and Lot 1C meets the 4:1 ratio as long as Lot
21 1A as a whole meets that 4:1 ratio.

22 So that's the only way I think of to make it to
23 where zero lot lines with four-plexes and three-plexes could
24 potentially be developed in Franklin County.

25 CO-CHAIRMAN SCHULTEHENRICH: I

1 believe having it worded with the word "may, " are we say
2 that that's subject to the Planning and Zoning approval? Is
3 that what we're saying here, or is this left up to the --
4 with it being may, is it left up to the developer to either
5 may or may not be in a position of utilizing this zero?

6 MS. EAGAN: Well, I mean, I wrote it
7 as in it just -- it may be exceeded if it has to be. Like I
8 didn't -- I didn't personally have somebody in mind when I
9 wrote that as who may exceed it, but I get where you're
10 coming from.

11 CO-CHAIRMAN SCHULTEHENRICH: I
12 understand, but I think sometimes it's better to use a word
13 to clarify just impart a -- saying may with the approval of
14 the department or something along those lines. Because I
15 think -- otherwise, I think you've got the potential
16 argument there to be raised by someone and if the department
17 is not happy the way it's laid out being the objective here,
18 then I think you basically would run into that potential
19 argument.

20 So I would -- I would suggest that we would put
21 in there "may with the approval of the department".

22 Anybody else have any comments in that regards
23 on the -- my suggestion there?

24 [NONE]

25 Does anybody else have any other comments in

1 regards to this -- this Article?

2 COMMISSIONER McLAREN: I've got a --

3 CO-CHAIRMAN SCHULTEHENRICH: Bill?

4 COMMISSIONER McLAREN: I've got a

5 comment that may or may not be on subject, but it's --

6 CO-CHAIRMAN SCHULTEHENRICH: Okay.

7 COMMISSIONER McLAREN: You know, it

8 seems to me like we're trying to help a developer get more

9 density.

10 COUNTY ATTORNEY VINCENT: Use your

11 microphone.

12 COMMISSIONER McLAREN: We're trying

13 to help the developer get more density here, and that's --

14 that's what we're looking at trying to accomplish, I think.

15 So I'm going to go back to something that Todd

16 said probably four or five months ago when we were having

17 the discussion about counting the detention pond as -- as

18 the public use area.

19 I -- I think that now would be the time to

20 consider too whether it's really legitimate, you know -- you

21 know this kind of a scenario that we're counting the

22 detention pond as common ground, and if that's really fair

23 to the people who are going to buy in there.

24 That's my comment.

25 CO-CHAIRMAN SCHULTEHENRICH: Okay.

1 Ron?

2 COMMISSIONER WILLIAMS: I -- I don't
3 think you're correct by saying to get more density. They're
4 limited to the density that's allowed in that zoning
5 district. They're not getting any more density.

6 COMMISSIONER McLAREN: Well, they're
7 getting -- they're going to a zero effect. They're going to
8 a zero lot line. So they get --

9 COMMISSIONER WILLIAMS: They can't
10 put any more density on it than is allowed by the zoning
11 district. So you can't put any more housing units on there
12 than what's allowed by the zoning district, by lot size
13 area, whatever is used in that particular district.

14 COMMISSIONER McLAREN: I -- I
15 understand that. I -- I do agree with that, but the
16 clusters are becoming more dense. I mean, there's shared --
17 there's potential for shared driveways and...

18 COMMISSIONER WILLIAMS: Well, if you
19 have that on some other developments, what's really an
20 entrance road becomes a -- really a driveway. I know -- I
21 think I know what you're getting at, but the term density
22 hasn't got there.

23 COMMISSIONER McLAREN: And -- and
24 I'll -- I'll pull away from that term. I don't think -- you
25 know, I don't know that it's appropriate. I don't know that

1 it's appropriate to count that detention pond for what's
2 common ground.

3 COMMISSIONER WILLIAMS: Okay.

4 COMMISSIONER McLAREN: How's that?

5 COMMISSIONER WILLIAMS: Okay.

6 COMMISSIONER McLAREN: That's my
7 comment.

8 CO-CHAIRMAN SCHULTEHENRICH: I would
9 -- I've said I think before in some meetings that I find it
10 difficult to -- with you, Bill, I think that we would count
11 the -- the retention -- detention ponds as common ground.
12 To me it serves as the purpose of collecting water and
13 run-off, et cetera; and therefore, you're limited in regards
14 to the use unless it happens to be dry. Okay.

15 So that's where I would go to the issue in that
16 regards. So -- are we -- Scottie, does that have -- does
17 that have anything to do with the discussion we're having
18 right now, though, in regards to this?

19 MS. EAGAN: I mean, Article 8 has
20 that in it, so if that's something you feel that needs to be
21 changed and maybe addressed, but my changes were strictly
22 zero lot line, right-of-way versus easement, and the
23 addressing authority.

24 CO-CHAIRMAN SCHULTEHENRICH: Well,
25 we'll get -- we'll get back to yours in regards to the

1 approval or whatever in that regard. Just -- just bear with
2 me.

3 Bill, you have another comment in regards?

4 COMMISSIONER McLAREN: And I misspoke
5 again, as long as I'm correcting myself.

6 The retention pond I could see could be common
7 ground. That would be where, you know, it was a pond and it
8 actually had water in it all the time.

9 The detention pond would go dry, but you know,
10 that's -- that's what seemed to me like maybe it wasn't
11 appropriate for common ground.

12 CO-CHAIRMAN SCHULTEHENRICH:
13 Detention.

14 COMMISSIONER McLAREN: Yes, right.

15 CO-CHAIRMAN SCHULTEHENRICH: Do we
16 have any other feelings in that regards to the
17 Commissioners?

18 COMMISSIONER McCREARY: I do have a
19 question on the whole right-of-way/easement issue.

20 CO-CHAIRMAN SCHULTEHENRICH: Okay.
21 Going back to that then.

22 COMMISSIONER McCREARY: Just for my
23 edification. I was always under the impression that a
24 right-of-way is owned by somebody other than the property
25 owner. Utilities own the right-of-way for their steel

1 towers; whereas, I have an easement that goes through the
2 center of my private drive, my private road. That's
3 actually my property. I pay taxes and everything else.

4 As far as right-of-way versus easement, maybe
5 you could -- maybe I'm wrong on this, but --

6 COUNTY ATTORNEY VINCENT: You're
7 wrong.

8 COMMISSIONER McCREARY: Okay. Well,
9 I mean, we have services, go to people's houses, and it's an
10 assumed easement. When we dig up their yards and they say
11 that's my property, we're going to -- you -- you can't do
12 that. No, there's an assumed easement going to their house
13 from the corner of their property.

14 They really can't keep us off it, but I just
15 wonder if there is no difference in right-of-way to
16 easement. Do we need that in there? That's the question.

17 COUNTY ATTORNEY VINCENT: Here's the
18 problem we ran into. I get accused occasionally of being
19 very closed-minded. Right, Cameron?

20 But the sort of issue that came up, if you look
21 at a bunch of the survey plats, subdivision plats that are
22 out there, they use it interchangeably. And it drives us
23 crazy when we're trying to figure out what they intended.

24 COMMISSIONER McCREARY: That's what
25 did it?

1 COUNTY ATTORNEY VINCENT: What?

2 COMMISSIONER McCREARY: That's what
3 drove you crazy?

4 COUNTY ATTORNEY VINCENT: No, I was
5 crazy before; it's what drove her crazy.

6 What I did is I went back and I showed Scottie
7 the true law on rights-of-way/easements. Easements actually
8 predate rights-of-way, --

9 COMMISSIONER McCREARY: Okay.

10 COUNTY ATTORNEY VINCENT: -- in law.
11 It goes back to Old English days, and if we're going to
12 start going back to that, we're going to drive everybody
13 nuts.

14 A right-of-way and an easement and a license
15 for that matter, is a right to use property. It's depending
16 upon there's about 14 different kinds of easements and
17 certainly rights-of-way. And if we're going to go down the
18 minutia of those things, I just thought that it would be a
19 lot more simple to understand that a right-of-way or an
20 easement is a right that somebody acquires to use somebody
21 else's property.

22 COMMISSIONER McCREARY: I understand
23 that, but I -- I think I pay taxes on the entire lot that I
24 -- that I own.

25 COUNTY ATTORNEY VINCENT: No, not if

1 it's a right-of-way, you don't own it.

2 COMMISSIONER McCREARY: Well, I
3 don't. That's the thing.

4 COUNTY ATTORNEY VINCENT: Here's what
5 you do --

6 COMMISSIONER McCREARY: The easement
7 goes to the center of the road.

8 COUNTY ATTORNEY VINCENT: So if yours
9 is set up that way, the assessor will take off the
10 right-of-way.

11 COMMISSIONER McCREARY: Okay, but
12 it's not. It's just an easement.

13 COUNTY ATTORNEY VINCENT: Well, an
14 easement you own.

15 COMMISSIONER McCREARY: That's what
16 I'm saying.

17 COUNTY ATTORNEY VINCENT: You'll pay
18 tax on that.

19 COMMISSIONER McCREARY: Do we need to
20 have -- that's my whole question. Do we need to
21 differentiate in the Code?

22 COUNTY ATTORNEY VINCENT: That's
23 what's causing the problem. Differentiating is causing the
24 problem.

25 COMMISSIONER McCREARY: Okay.

1 COUNTY ATTORNEY VINCENT: Yeah.

2 COMMISSIONER McCREARY: Well, I'm
3 just saying if -- if we need it, fine. If we can go without
4 it, that's fine too, but --

5 MS. EAGAN: But we'll still have --

6 COMMISSIONER McCREARY: So there is a
7 difference though between the two, and --

8 COUNTY ATTORNEY VINCENT: I would --
9 but I would --

10 COMMISSIONER McCREARY: For our
11 purposes, we don't need to define the differences?

12 COUNTY ATTORNEY VINCENT: Right.

13 MS. EAGAN: Well, on the plat, it
14 would still be dedicated to specific people for a specific
15 use.

16 COUNTY ATTORNEY VINCENT: Right.

17 MS. EAGAN: So it would be dedicated
18 to the lot owners of X subdivision for the use of ingress
19 and egress. So there will still be a dedication on the plat
20 of who has the right to use it and all of -- all of that.

21 COUNTY ATTORNEY VINCENT: Right. An
22 easement that's drawn up by Ameren that they get, those
23 easement by uses is over with. That's gone. They may still
24 be there from the past, but you -- just because you want to
25 walk on my property now as Ameren, you can't unless you're

1 going along an existing easement. You can't just go
2 wherever you want.

3 That used to be the case, or blanket easements.
4 You could walk across a farmer's farm anywhere you wanted
5 to. You can't do that anymore. Because what -- now I would
6 give you -- when I plat my subdivision, I give you an
7 easement of so many feet from the property line.

8 COMMISSIONER McCREARY: Uh-huh.

9 COUNTY ATTORNEY VINCENT: You got to
10 stay within that, and that's a dedicated easement. I still
11 own it but I give you the right to use it.

12 That could also be a -- used as a right-of-way
13 for television cable guys that come down and lay something
14 and drive along where they maintain it. So -- but what I'm
15 just trying to do is simplify things for a change so that we
16 don't have fights over -- we don't hear about the taxes.
17 We're not -- Planning and Zoning is not worried about taxes.

18 COMMISSIONER McCREARY: Right.

19 COUNTY ATTORNEY VINCENT: There's a
20 -- taxes are none of our business. We tax everybody as much
21 as we possibly can. That's just the way it is, but when we
22 want to try get this where I can set up four or five
23 surveyors from this county and have them draw what they
24 want. And I think Cameron will back me up on this. You
25 have certain things that legally should be called easements

1 that are called rights-of-way. You have things that have
2 been called rights-of-way that really are a license, and you
3 have things that are a license that are called easements.

4 And once we start getting down to grading each
5 paper, we're not -- it really doesn't matter for most people
6 that use it.

7 COMMISSIONER McCREARY: That's just
8 a-- that's what I really want to understand. As far as
9 we're concerned, it really doesn't --

10 COUNTY ATTORNEY VINCENT: It doesn't
11 matter.

12 COMMISSIONER McCREARY: It's not
13 going to change the right-of-way or easement --

14 COUNTY ATTORNEY VINCENT: Nope.

15 COMMISSIONER McCREARY: -- or
16 anything else?

17 COUNTY ATTORNEY VINCENT: Nope.

18 COMMISSIONER McCREARY: As far as we
19 -- what we do here, it's an easement?

20 COUNTY ATTORNEY VINCENT: Not going
21 to change -- that looks like if Cameron screws up one day
22 and calls what should be a right-of-way and easement, it's
23 not going to make any difference. It's still going to be
24 ten feet wide, and it's still going to give the utility
25 people the right to use it.

1 COMMISSIONER McCREARY: Right.

2 COUNTY ATTORNEY VINCENT: That's what
3 it's going to do.

4 COMMISSIONER McCREARY: All right.

5 Well, that -- that's --

6 COUNTY ATTORNEY VINCENT: Okay.

7 COMMISSIONER McCREARY: That was my
8 question. I thought well, wait a minute, can you really do
9 away with this?

10 COUNTY ATTORNEY VINCENT: No, that's
11 not what the proposal is saying.

12 COMMISSIONER McCREARY: You're saying
13 we're not doing away with it. We're just --

14 COUNTY ATTORNEY VINCENT: Yeah.

15 COMMISSIONER McCREARY: Okay.

16 COMMISSIONER BOLAND: Back to Bill's
17 then, with the detention pond.

18 COUNTY ATTORNEY VINCENT: Uh-huh.

19 COMMISSIONER BOLAND: So you'd have
20 the -- that you were just talking about taxing everything.

21 COUNTY ATTORNEY VINCENT: Right.

22 COMMISSIONER BOLAND: So they have a
23 retention pond by itself.

24 COUNTY ATTORNEY VINCENT: That's
25 correct.

1 COMMISSIONER BOLAND: Right.

2 COUNTY ATTORNEY VINCENT: Uh-huh.

3 COMMISSIONER BOLAND: And nobody goes
4 out to see if it's mowed or whatever.

5 COUNTY ATTORNEY VINCENT: Right.

6 COMMISSIONER BOLAND: Correct. So I
7 have this retention pond, and I get a tax bill for it.

8 COUNTY ATTORNEY VINCENT: You won't
9 get a tax bill for it if it's done right.

10 COMMISSIONER BOLAND: Okay.

11 COUNTY ATTORNEY VINCENT: The way it
12 should -- the way it's done right is that you, the
13 homeowner's association, sets up a not-for-profit
14 organization.

15 COMMISSIONER BOLAND: Okay. Well,
16 let's -- let's say it's not set up that way.

17 COUNTY ATTORNEY VINCENT: Then you're
18 going to pay taxes on it because we don't know it's --

19 COMMISSIONER BOLAND: And some --
20 some situations happen like that.

21 COUNTY ATTORNEY VINCENT: Yeah, they
22 do. Yeah, people do them wrong.

23 COMMISSIONER BOLAND: Okay.

24 COUNTY ATTORNEY VINCENT: Yeah.

25 COMMISSIONER BOLAND: So now what

1 happens is -- I mean, tell me if I'm right or wrong. So
2 it's in -- it's in my name. I quit paying taxes on it.

3 COUNTY ATTORNEY VINCENT: Uh-huh.

4 COMMISSIONER BOLAND: Don't -- don't
5 pay taxes for the next three years. So the County has to
6 pick it up, correct?

7 COUNTY ATTORNEY VINCENT: Well, it
8 depends. We don't have to pick it up. We do a lot of
9 times, but if it's connected to your lot, if it's all one
10 lot and you got a big house on it, they'll pick it up. But
11 if it's --

12 COMMISSIONER BOLAND: No, I'm just
13 saying it's one individual lot that -- that you set up.

14 COUNTY ATTORNEY VINCENT: We do not
15 pick those up now. We leave those there forever.

16 COMMISSIONER BOLAND: So nobody ever
17 maintains them?

18 COUNTY ATTORNEY VINCENT: That's
19 right. Yeah, yeah. Because the County's not going to
20 maintain it.

21 COMMISSIONER BOLAND: I'm sorry?

22 COUNTY ATTORNEY VINCENT: The Count
23 will not maintain those.

24 COMMISSIONER BOLAND: Right, and
25 nobody else does either?

1 COUNTY ATTORNEY VINCENT: That's
2 right, and then that's the way -- that's the problem you run
3 into. They're supposed to be set up properly, but people
4 don't. And then they may do it for four or five years or
5 ten years or whatever. Then everybody just lets it go. So
6 -- but if you set it up -- if you don't set it up properly,
7 somebody's paying taxes on that. But if you do set it up
8 properly, there are no taxes.

9 COMMISSIONER BOLAND: So why do we
10 have them?

11 COUNTY ATTORNEY VINCENT: Detention
12 ponds? Because people that think that we're going to float
13 away want them. The state legislatures. In a lot of states
14 they usually put a soccer field inside them. And they do
15 have common use and the cities do take them offer.

16 Yeah, Tulsa's got tons of them because they're
17 a flash flood. They can have wet -- dry detention ponds --
18 retention ponds --

19 COMMISSIONER BOLAND: You know, but
20 the ones we're talking about are the small --

21 COUNTY ATTORNEY VINCENT: Well, I
22 understand that.

23 COMMISSIONER BOLAND: Yeah.

24 COUNTY ATTORNEY VINCENT: Yeah. If
25 we went up the stream and did a public one or a retention,

1 we may avoid this. Then we have to bet back to Brinker Lake
2 or Lake Brinker, whatever that is.

3 COMMISSIONER BOLAND: Okay. Thank
4 you.

5 COUNTY ATTORNEY VINCENT: You cool?

6 CO-CHAIRMAN SCHULTEHENRICH: Thank
7 you, Mark. I'm not sure I necessarily agree, but I think
8 that there's a purpose for those retention ponds and et
9 cetera for that stormwater runoff and --

10 COUNTY ATTORNEY VINCENT: Well, I
11 agree with you, but nobody maintains them.

12 CO-CHAIRMAN SCHULTEHENRICH: And that
13 -- that's the issue, that whether or not -- what Bill
14 brought up was whether or not they ought to be counted as
15 common ground or not to be counted as common ground.

16 COUNTY ATTORNEY VINCENT: They are
17 common ground if they're set up properly. If you don't set
18 them up properly, we don't know to count them as common
19 ground.

20 CO-CHAIRMAN SCHULTEHENRICH: But what
21 you talked about setting up was for tax purposes, I thought,
22 Mark.

23 COUNTY ATTORNEY VINCENT: It's
24 control too. You do it for control also. You have a
25 30-acre subdivision that ends up being 150 lots, you have a

1 homeowner's association that does maintenance on the
2 retention pond, and the key -- the side benefit from it is
3 it's not taxed. But it's also -- it's there to set up
4 properly just so that there's -- in perpetuity, there's a
5 governing body that controls it and regulates it and
6 maintains it.

7 CO-CHAIRMAN SCHULTEHENRICH: I
8 understand that. That's their responsibility to take care
9 of it.

10 COUNTY ATTORNEY VINCENT: Sure.

11 CO-CHAIRMAN SCHULTEHENRICH: I
12 understand.

13 COUNTY ATTORNEY VINCENT: But it's
14 not the County's responsibility.

15 CO-CHAIRMAN SCHULTEHENRICH:
16 Certainly not. I'm aware it never has been.

17 COUNTY ATTORNEY VINCENT: No, no. It
18 won't either.

19 CO-CHAIRMAN SCHULTEHENRICH: Yeah.

20 COUNTY ATTORNEY VINCENT: So I'm not
21 sure what I said was different than that.

22 CO-CHAIRMAN SCHULTEHENRICH: Well,
23 the only reason he raised is maybe is that whether or not
24 that counts towards common ground or not common ground.
25 Okay.

1 COUNTY ATTORNEY VINCENT: If it's set
2 up -- if it's dedicated to a not-for-profit association,
3 that's what a homeowner's association is supposed to be, and
4 that's when it becomes common ground. And we recognize that
5 now.

6 CO-CHAIRMAN SCHULTEHENRICH: Set up
7 for the purpose of controlling stormwater?

8 COUNTY ATTORNEY VINCENT: No, for
9 everything. You got a homeowner's association that does a
10 lot of stuff.

11 CO-CHAIRMAN SCHULTEHENRICH: I
12 understand.

13 COUNTY ATTORNEY VINCENT: That's one
14 of the things that they do.

15 CO-CHAIRMAN SCHULTEHENRICH: Right.

16 COUNTY ATTORNEY VINCENT: I'm
17 confused, Jay.

18 CO-CHAIRMAN SCHULTEHENRICH: Yeah, I
19 think you guys have put on the homeowners on there, but my
20 only comment was is, I think there is a purpose as to why
21 that exists for the need of controlling some stormwater is
22 what my point is.

23 COUNTY ATTORNEY VINCENT: It's to
24 protect the subdivision.

25 CO-CHAIRMAN SCHULTEHENRICH: And

1 other property owners it may be potentially impact down- --
2 downstream --

3 COUNTY ATTORNEY VINCENT: No.

4 CO-CHAIRMAN SCHULTEHENRICH: --

5 potentially.

6 COUNTY ATTORNEY VINCENT: The City
7 does those. City requires those. No, that's to maintain
8 the subdivision.

9 CO-CHAIRMAN SCHULTEHENRICH: I'm not
10 talking about maintaining. I'm talking about the purpose --

11 COUNTY ATTORNEY VINCENT: Yeah, the
12 subdivision.

13 CO-CHAIRMAN SCHULTEHENRICH: -- the
14 purpose of them are, the purpose of them. Okay. Because
15 there is a purpose sometimes as to why there is a need for
16 retention. I thought you made the comment that -- basically
17 that -- that basically it becomes almost immaterial out
18 there.

19 COUNTY ATTORNEY VINCENT: No. If you
20 maintain them, they're fine. But if you go out and do a
21 survey, Jay, and find out how many are actually maintained,
22 and they're designed, they're required to control runoff or
23 retain runoff on the subdivision itself.

24 CO-CHAIRMAN SCHULTEHENRICH: Right.

25 COUNTY ATTORNEY VINCENT: You know,

1 we're not -- they're not worried about what's happening
2 downstream from most of these little ones you're talking
3 about. The big ones, yes.

4 CO-CHAIRMAN SCHULTEHENRICH: I'm just
5 talking in general terms on there whether it's a big
6 subdivision. The smaller ones certainly not, but the bigger
7 ones certainly serves more of a purpose than that.

8 COUNTY ATTORNEY VINCENT: Have you
9 ever done any studies on these, Jay?

10 CO-CHAIRMAN SCHULTEHENRICH: Have I
11 done studies on them?

12 COUNTY ATTORNEY VINCENT: Yeah, have
13 you ever worked with them?

14 CO-CHAIRMAN SCHULTEHENRICH: Well, I
15 know a lot of contractors that have worked on them. Okay.
16 And I know the purpose of them in regards to why they come
17 into existence. Okay.

18 COUNTY ATTORNEY VINCENT: And when
19 the cities and counties set them up, have you ever done
20 those?

21 CO-CHAIRMAN SCHULTEHENRICH: They set
22 them up?

23 COUNTY ATTORNEY VINCENT: They
24 require them to bene- -- there are certain benefits that
25 have to be done. They have to be maintained by that entity.

1 CO-CHAIRMAN SCHULTEHENRICH: The
2 question -- the question goes back to, Mark, is that there's
3 various places and entities that do not allow the retention
4 ponds to be counted as public -- as common ground areas.

5 COUNTY ATTORNEY VINCENT: That's up
6 to you guys, but --

7 CO-CHAIRMAN SCHULTEHENRICH: And
8 that's the whole point of what I tried to say.

9 COUNTY ATTORNEY VINCENT: I'm not
10 sure why we're talking about them tonight. It's not even on
11 the agenda.

12 CO-CHAIRMAN SCHULTEHENRICH: Article
13 8 is on the agenda.

14 COUNTY ATTORNEY VINCENT: No, the
15 changes were on the agenda.

16 CO-CHAIRMAN SCHULTEHENRICH: Article
17 8 is on the agenda, okay.

18 COUNTY ATTORNEY VINCENT: No, the
19 changes are on the agenda.

20 CO-CHAIRMAN SCHULTEHENRICH: Got
21 anything else to express to us, Mark?

22 COUNTY ATTORNEY VINCENT: No, sir.

23 CO-CHAIRMAN SCHULTEHENRICH: Okay.
24 Thank you.

25 Ron, do you have anything?

1 COMMISSIONER WILLIAMS: Yeah. Having
2 worked pretty extensively with detention or retention
3 basins, it is pretty common that they are counted in the
4 common ground or allowed to be counted in the common --
5 common ground in a great many of these. They just are.

6 COMMISSIONER McLAREN: I understand
7 that, but --

8 COMMISSIONER WILLIAMS: Now, whether
9 or not you want to do that or not is up to -- up to us, but
10 I'm just telling you that that's a common practice.

11 CO-CHAIRMAN SCHULTEHENRICH: Thank
12 you.

13 Anybody else wishes to discuss among the
14 Commissioners on this issue?

15 [NONE]

16 If not, it appears as though we'll move on then
17 to the approval of the changes in Article 8 as requested by
18 Planning and Zoning Commission. So do I hear a motion to
19 approve?

20 MS. EAGAN: Jay, before you get
21 there.

22 CO-CHAIRMAN SCHULTEHENRICH: Yes,
23 Scottie.

24 MS. EAGAN: I realize there was one
25 more change I forgot to bring up to you guys.

1 It is on -- it's just the change of the word
2 "pavement" to "surface" because it talks about in our Minor
3 Subdivision Code when we talk about roads and what they
4 shall be paved with, our Code contradicts itself.

5 So we say in once instance that subdivisions
6 with lots greater than three acres can be -- have a surface
7 of gravel, asphalt, chip and seal, or concrete, and then
8 below it in the next section, we talk about the width of the
9 pavement.

10 So I'm basically just deleting pavement and
11 putting surface for subdivisions with three acres or more.
12 And that's the other change.

13 CO-CHAIRMAN SCHULTEHENRICH: That
14 would seem to make sense there. Anybody else have any
15 concerns on that change?

16 COMMISSIONER McCREARY: What page was
17 that on?

18 MS. EAGAN: I'm trying to find it and
19 I'm -- it's all out of whack right now. I coded it, so
20 just --

21 COMMISSIONER REINHOLD: So I guess
22 the question is, is it a hard surface or is this gravel?

23 MS. EAGAN: With subdivisions that
24 have three acres or more, we allow them to do gravel or a
25 hard surface, so gravel, concrete, chip and seal, pavement

1 or asphalt.

2 So that's why when we talk about the pavement
3 width in the next section for subdivisions with three acres
4 or more, it doesn't make sense to say pavement when it
5 doesn't necessarily have to have pavement.

6 CO-CHAIRMAN SCHULTEHENRICH: Any
7 concerns with the change?

8 [NONE]

9 Anything else, Scottie, you would like to --

10 MS. EAGAN: All the other --

11 CO-CHAIRMAN SCHULTEHENRICH: -- make
12 note of to us?

13 MS. EAGAN: All the other changes
14 were given to you guys ahead of time. So...

15 CO-CHAIRMAN SCHULTEHENRICH: Do we
16 have any questions then on any of the changes we asked of
17 Scottie?

18 [NONE]

19 Hearing none, again I'll entertain a motion to
20 approve the suggested changes from the Department so noted
21 in File 170141. Do I have a motion?

22 COMMISSION BOLAND: Accept the --
23 make a motion to accept the changes that we talked about.

24 CO-CHAIRMAN SCHULTEHENRICH: We have
25 a motion to accept the changes as noted in File 170141. Do

1 I have a second?

2 COMMISSIONER HAIRE: Second.

3 CO-CHAIRMAN SCHULTEHENRICH: A motion
4 and a second. All those in favor signify by saying aye.

5 COMMISSIONER REINHOLD: Aye.

6 CO-CHAIRMAN SCHULTEHENRICH: Aye.

7 COMMISSIONER VOSS: Aye.

8 COMMISSIONER McLAREN: Aye.

9 COMMISSIONER WILLIAMS: Aye.

10 COMMISSIONER BOLAND: Aye.

11 COMMISSIONER HAIRE: Aye.

12 COMMISSIONER McCREARY: Aye.

13 CO-CHAIRMAN SCHULTEHENRICH: All
14 opposed?

15 [NONE]

16 The ayes will have it. We'll move on.

17 File 170135, Decker Road Development, care of
18 Cameron Lueken for staff comments.

19 MS. EAGAN: Okay. I gave you all a
20 new staff report tonight, so that's what I'll be reading
21 from.

22 This is File 170135 Preliminary Plat.

23 The applicant is Decker Road Development in
24 care of Cameron Lueken.

25 The applicant amended his original request to

1 now create an 19-lot subdivision in the Community
2 Development zoning district.

3 The property is located on Stricker Lane, at
4 the northwest corner of Decker Road and Stricker Lane, in
5 Boles Township.

6 The Facts: The property is approximately 142
7 acres in size. The applicant will be developing
8 approximately 104 acres.

9 The minimum lot size in Community Development
10 is 22,000 square feet, with central water and sewer, and 3
11 acres for on-site water and sewer.

12 The average lot size in the original
13 application was approximately 5.48 acres. The average lot
14 size in the amended application is approximately 5.18 acres.

15 This subdivision is proposing to be developed
16 in three phases.

17 Water service will be provided by Water
18 District No. 3.

19 The applicant is proposing to have on-site
20 septic for this development.

21 The applicant shows a 15-foot utility easement
22 along the road, a 10-foot utility easement on the rear and a
23 5-foot utility easement along the side. All are done in
24 accordance with our Franklin County Regulations.

25 A land disturbance permit from DNR is required

1 to disturb more than one acre of land as well as erosion
2 controls during development.

3 The Plat shows all roads and rights-of-way and
4 pavement meeting the standards set forth in the Franklin
5 County Unified Land Use Regulations.

6 All utilities shall be located underground.

7 Because of the size of the development, the
8 applicant shall provide fire protection in accordance with
9 Article 8, Section 175. Because this development is located
10 within Boles Fire Protection District, they will be required
11 to meet the standards of that district.

12 The applicant will be required to dedicate
13 additional right-of-way along Decker Road.

14 Staff Comments: Improvement Plans, to be
15 reviewed by Franklin County, should be submitted before
16 final approval.

17 As far as I am aware, nothing has been
18 submitted regarding stormwater on this site.

19 While this development is outside the Labadie
20 Sewer District boundaries, it has been mentioned this
21 development is within 2,000 feet of a sewer line. According
22 to our regulations, if this is true, the applicant would be
23 required to connect to the sewer line.

24 We have a call in to Labadie Sewer District,
25 but at the time this staff report was written, we didn't

1 have a call back.

2 The Preliminary Plat shows the road as being
3 paved. Because of the lot sizes, the applicant can have a
4 gravel road, but if the Preliminary Plat is not amended to
5 show gravel, they will be required to pave the road.

6 The existing treeline appears to be missing
7 from the plat.

8 And finally today we did receive an e-mail from
9 Kent Cunningham with the Labadie Sewer District, and they're
10 board will be meeting this Thursday to discuss this
11 development.

12 CO-CHAIRMAN SCHULTEHENRICH: Thank
13 you, Scottie.

14 We'll proceed to hear from the developer. So,
15 Mr. Lueken, as usual, you have presentations. Do you have
16 one tonight?

17 MR. CAMERON LUEKEN: Yes -- yes, I
18 do.

19 CO-CHAIRMAN SCHULTEHENRICH: All
20 right. Proceed then.

21 MS. EAGAN: So do you have a copy of
22 your PowerPoint?

23 MR. LUEKEN: So it's in my folder,
24 which is in my office. I can get it, if you want to. Okay.

25 [Thereupon, the witness was sworn.]

1 Good evening. My name is Cameron Lueken with
2 Wunderlich Survey and Engineering. Tonight I'm speaking
3 about Stonegate Farms, the Preliminary Plat, located in
4 Labadie, Missouri.

5 This subdivision is about 104 acres. The goal
6 is to create a 19 large -- the goal is to create 19 large
7 lots, residential lots. It's going to be comprised of about
8 five lots that range in size from three acres to five acres,
9 and fourteen lots that are 5 acres or more.

10 Where this is at, this is Labadie here. This
11 is Mo-Pac coming out this way. This is Decker Road coming
12 out this way. Here's Stricker Lane here. So that the farm
13 is located in this area here. So zoom into that.

14 And if you guys have any questions as I go
15 along, just stop me. I'll be happy to answer questions for
16 you.

17 So there's the subdivision boundary. Looking
18 at the Preliminary Plat, this is kind of what it looks like.
19 You guys all got this in your packets. Basically 19 lots.

20 As Scottie mentioned, Phase 1 lots 1 through 5,
21 10, 11, 14. So basically we're just going to go in there
22 from Decker Road on this side, coming in this way, and doing
23 a phase here. Then going a little bit further and doing a
24 phase and doing a phase. So that's kind of how it broke
25 down into phases. We did all the phases at once, but in

1 case you decided to back off, this allows a flexible way to
2 do it in plats.

3 This is a break down of the Preliminary Plat,
4 you might say.

5 So this is a copy of the County Zoning Map. As
6 noted on here, this is shaded in blue. It's zoned CD. As
7 you know, CD is an area of the county that's -- well,
8 there's -- it can be a lot denser. It can be 22,000
9 square-foot lots, maximum density of 1 per 5,000 square
10 feet. But obviously that's not what's being proposed here.

11 We met with the Fire District, the Boles Fire
12 Protection District, to review the plans, the turnarounds,
13 the fireman spacing, the access and received a positive
14 comment from those guys saying that we meet their
15 regulations.

16 In the public portion tonight, there was
17 mentioned about the sight distance limited -- or the limited
18 sight distance. We are aware of that, and we've been
19 working with the developer and working with the County for
20 alternatives for that mitigation.

21 We kind of get into that. Let me back up one
22 more time. Backing up and correct me if I'm wrong here,
23 Ron, but it's about 100 feet --

24 COMMISSIONER WILLIAMS: [Nodding]

25 MR. LUEKEN: -- required for entering

1 sights both ways. And we had the County review it, and at
2 the proposed entrance -- let me back up a little bit here
3 just so you can understand where I'm coming from on this.

4 There's a -- there's a lane down here. Where
5 you go out, there's Stricker Lane here. And Stricker Lane
6 is on the south side of a hillside, and there's very little
7 sight distance to the north for a southbound car.

8 What the developers are proposing to do is move
9 the proposed entrance to the north, across -- basically
10 across from an existing entrance that was put in there
11 directly across from the gravel drive going east. So that
12 would be basically a four-way intersection there.

13 So we're moving it north. So in doing so, we
14 had the County review that proposed location, and at that
15 time they reviewed about -- it's about 410 feet to the north
16 and about 260, something like that, to the south.

17 So then we begin this conversation about, well,
18 how do we mitigate that limited sight distance. So what we
19 looked at was this interactive intersection flasher system.
20 What is that?

21 What it is, is that's used by MoDOT throughout
22 the state and throughout the nation -- not MoDOT, but it's
23 used throughout the nation. The nearest example of this is
24 in St. Louis County at Austin Ford Road and St. Albans Road,
25 Highway T.

1 Highway T is a state road running east/west.
2 Austin Ford's a north/south road that terminates in the --
3 Highway T. It's a crest and curve. That means basically
4 you'd come up to the top of the hill and you can't see
5 adequately both ways. So at that intersection, they've come
6 up with this interactive intersection flasher.

7 So what's this look like? What this looks like
8 is, is as you -- as you're facing south by looking at the
9 stop sign. There's a camera right here, a traffic detector.
10 You can't quite see it, but this is Austin Ford and St.
11 Albans Road. St. Albans Road is Highway T. So added to
12 this, there's a solar panel there, a battery and a radio
13 unit.

14 When that traffic detector detects a car at
15 that intersection, it signals to a -- a flasher on Highway
16 T. So that way the vehicles that are traveling up and down
17 Highway T realize there is a vehicle in the intersection at
18 Austin Ford trying to enter the traffic flow.

19 Some of you probably have seen this or are
20 familiar with this. So how does this work? So -- yes.

21 COMMISSIONER BOLAND: So when you say
22 this works, this works for any vehicle or tractor?

23 MR. LUEKEN: Yes, any -- basically
24 it's a radar detector is what it is, and so -- I mean -- I
25 mean, Todd, I haven't driven a tractor to it, right, but I

1 assume it would work for a tractor, any large object.

2 COMMISSIONER McCREARY: What about
3 motorcycles?

4 MR. LUEKEN: Well, yeah. I was just
5 thinking about that. I do not know. So how we come up with
6 this is that we -- we reached out to a traffic company. I
7 think it's Traffic Solutions, something like that. Graham
8 Zeeva [ph.] used to work at MoDOT, he works now at this
9 company, and that's how we come up with this design.

10 So to answer your question, Russ, I would
11 assume it works for motorcycles. I do not know.

12 COMMISSIONER McCREARY: I'm familiar
13 with the intersection.

14 MR. LUEKEN: Yeah.

15 COMMISSIONER McCREARY: That's where
16 I work.

17 MR. LUEKEN: Okay.

18 COMMISSIONER McCREARY: But I -- I
19 never found out. I mean, how small --

20 MR. LUEKEN: Right.

21 COMMISSIONER McCREARY: -- or slow,
22 you know, --

23 MR. LUEKEN: Right.

24 COMMISSIONER McCREARY: -- so yeah.

25 MR. LUEKEN: Yeah. I would assume

1 that it would because they -- a motorcycle has got the same
2 right-of-way as a car. So I assume that the traffic
3 detector would be -- would detect motorcycles.

4 COMMISSIONER BOLAND: So the other
5 thing is, I mean, it seems like the trees are pretty well
6 cleared along Highway T here. I would say that Decker Road
7 is not as clear.

8 MR. LUEKEN: So let's talk about
9 that. So what we did when we looked at -- we asked that
10 question of Graham Zeeva [ph.], and he asked me that
11 question in particular, Todd.

12 So we assured him of the application. Let me
13 just kind of run through it, and I'll answer your question
14 in a minute, Todd.

15 So this is Stricker Lane down here like this.
16 This is the existing Stricker Lane. This is the proposed
17 road here. So if a car would come up to the intersection
18 and stop, those lights go off and say hey, there's a car in
19 the intersection, warning there's a traf- -- there's a
20 vehicle entering the intersection. And that's basically
21 after the car leaves, then the lights go off.

22 So that's kind of how it works, and I'm not
23 sure how many of you are familiar with that, but do you have
24 any questions about how it interacts with that?

25 CO-CHAIRMAN SCHULTEHENRICH: So the

1 warning is for the cars on Highway T?

2 MR. LUEKEN: Yes, yes.

3 CO-CHAIRMAN SCHULTEHENRICH: And not
4 -- not for the purpose of the cars coming out of the
5 subdivision?

6 MR. LUEKEN: Correct, because what
7 you've got is that the -- the breakdown of a sight distance,
8 there is a reaction time. So when you've got an entering
9 car, Jay, with a car at the intersection, you've got an
10 entering car, you've got northbound traffic and you've got
11 southbound traffic. There's a reaction time, and then
12 actually a stopping sight distance. So that's about 400
13 feet at this location.

14 So a car has to react, and part of that
15 reaction time you're buying is that flashing light. You're
16 telling that guy, hey, there's a car, you better be slowing
17 down and putting your foot on the break. That decreases the
18 sight distance required because you've already reacted, and
19 all you got to do is stop your vehicle.

20 So it's a crest with a curve, and so you're
21 going upgrade. The cars that are going -- approaching the
22 intersection are going upgrade. So obviously it's easier to
23 stop going up than it is going down. So it's -- like I
24 said, it's something that -- well, does that answer your
25 question without getting into all the details about it?

1 CO-CHAIRMAN SCHULTEHENRICH: Yes.

2 MR. LUEKEN: Okay.

3 CO-CHAIRMAN SCHULTEHENRICH: That
4 answered my question there.

5 MR. LUEKEN: Okay. So let me -- let
6 me -- okay. Let me go back to Todd's question. All right.

7 So, Todd, we asked Graham Zeeva [ph.] hey, take
8 a look at this intersection and say are these solar panels
9 going to be able to recharge? And basically because the
10 road's aligned north to south, as the sun goes east/west,
11 east/southwest, he -- he -- it's his professional opinion
12 that solar panels would not have a problem recharging
13 themselves. So --

14 CO-CHAIRMAN SCHULTEHENRICH: Are you
15 -- are you saying that these are maintained by the
16 subdivision?

17 MR. LUEKEN: Yeah, so -- so -- yeah.
18 So what we did is that we -- I went over to Ron Williams.
19 We talked about actually lowering the road. We looked at
20 that cost, looked at that feasibility versus this. And so
21 basically it came down to -- to lower the road, you know, it
22 was around \$150,000 to lower the road. This is around a
23 \$30,000 budget, and I guess what I'm -- not to -- not to say
24 it's all about dollars, but you know, we would have to -- we
25 would have to acquire -- the developer would have to

1 potentially acquire additional right-of-way. There's a lot
2 of issues surrounding trying to lower that road.

3 And then it became an issue of well, there's a
4 benefit to the County to lower the road also. All right.
5 So then we got into -- so -- so basically to answer the
6 question back off of it, this seemed like the safest most
7 reasonable approach to a large-lot, 19-lot subdivision.

8 COMMISSIONER BOLAND: So we're going
9 to have a stoplight on Decker Road?

10 MR. LUEKEN: No. There will not be a
11 stop on Decker Road.

12 COMMISSIONER BOLAND: But we're
13 having flashing lights on Decker Road?

14 MR. LUEKEN: So let me get into that.
15 Let me get into that. Let's weigh that out, right,
16 publically. So let's weigh it out. So here's what MoDOT's
17 done. At Austin Ford --

18 COMMISSIONER BOLAND: I don't want to
19 talk about Austin Ford, because Austin Ford's completely
20 different than Decker Road.

21 MR. LUEKEN: Yes, it is.

22 COMMISSIONER BOLAND: So don't even
23 talk to me about that.

24 MR. LUEKEN: Well, I need to -- I
25 need to give -- I need to give you something to think about,

1 Todd. So think about this. So St. Albans Road on Highway T
2 there's 2,700 vehicles a day, 2,700 vehicles a day on
3 Highway T. Okay.

4 On Decker Road, there's 174 vehicles. That's
5 per the study of HDR in 2010. So at St. Albans Road and
6 Highway T -- I'm sorry. St. Albans Road -- I'm sorry. St.
7 Albans Road and Austin Ford, MoDOT in this county said, hey,
8 you know what. There's 2,700 vehicles here a day. This is
9 going to be in the best interest. This is the easiest way
10 to fix this.

11 We are less than ten times that traffic volume.
12 So we're -- we're considerably less. So here's what I'm
13 saying. You've got traveling public, 2,700 cars a day are
14 affected by that flashing light on Highway T. MoDOT said
15 that's fine. We're less than 200 cars here.

16 So I've been on Decker Road quite a bit, and
17 there's not a lot of traffic out there. So I don't -- what
18 I guess I'm saying, Todd, is I don't see how a flashing
19 light warning an approaching vehicle coming there's going to
20 be a hindrance to Decker Road, the public traveling on
21 Decker Road. It's not a stop sign.

22 COMMISSIONER REINHOLD: It only
23 flashes when a car's at that intersection.

24 COMMISSIONER BOLAND: I understand.

25 COMMISSIONER McLAREN: So the one --

1 the other difference is here that at Austin Ford, it was an
2 existing problem from years ago, back before Highway T and
3 Austin Ford, and it was paved. And those roads were --
4 historically have been there for a long time.

5 So we're -- we're putting a new road in. So we
6 go to look at something a little bit different than -- than
7 what somebody did to -- to correct a situation probably came
8 into effect a hundred and something years ago potentially.

9 Is there -- is -- as you look at solutions, --

10 MR. LUEKEN: Yeah.

11 COMMISSIONER McLAREN: -- is a turn
12 lane a possibility that's any safer?

13 MR. LUEKEN: Well --

14 COMMISSIONER McLAREN: Have you even
15 considered a turn lane?

16 MR. LUEKEN: Yeah, we considered a
17 lot of different things there, and the right-of-ways -- I
18 mean, the best there is between 30 and 40 feet. So we're
19 like 15 feet to 20 feet on the east edge. So I think we
20 look at trying to make improvements. We're bound by
21 people's rights on the east side and on the south side of
22 the project.

23 So we can't -- we can't -- we don't have the
24 ability to eminent domain, so when we try to lower -- when
25 we try to expand it to put another lane in, Bill, or lower

1 the road, we have to get more right-of-way, which we can't,
2 as a developer, condemn.

3 COMMISSIONER McLAREN: I understand
4 that part, but there's not enough -- there's not enough room
5 on the property you're talking about to develop -- to make
6 that turn lane off that property?

7 MR. LUEKEN: Well, it -- let me back
8 up to make sure I understand your question.

9 COMMISSIONER McLAREN: I'm asking
10 where the red car is setting, --

11 MR. LUEKEN: Yes.

12 COMMISSIONER McLAREN: -- if -- if
13 there can't be -- if the alignment of the road could not be
14 moved over enough so there would be a turn lane there in the
15 center to correct for the problem, where the shaded part of
16 the trees are right now.

17 MR. LUEKEN: Right there on this
18 side?

19 COMMISSIONER McLAREN: Yes.

20 MR. LUEKEN: Um --

21 COMMISSIONER McLAREN: I'm asking if
22 that was considered.

23 MR. LUEKEN: Yeah, we looked at that.
24 I guess the situation is, is that when you move a vehicle 12
25 feet -- typically when you move a vehicle, typically it's --

1 it's one -- let me see how to say this to you. The taper
2 when you approach a -- the taper is dictated by speed limit.
3 And so if you're going to move a vehicle over 12 feet to the
4 west, you got to get back into that southbound lane. So the
5 taper going out is going to intersect the property line
6 right here for a southbound vehicle, Bill. I'm saying this
7 -- this distance here is only about a hundred -- 150 feet,
8 something like that.

9 So if you want to move that vehicle, it's
10 basically 1 foot for 45 feet, I think is the taper. So if
11 you had -- so 12 times -- you're talking about 500 feet you
12 got to taper that back in. So you know, with -- you
13 understand what I'm saying?

14 COMMISSIONER McLAREN: I understand
15 what you're saying. I'm just asking --

16 MR. LUEKEN: Right.

17 COMMISSIONER McLAREN: -- if was for
18 consideration. Obviously you're -- you're worried about it
19 with the fact that you're doing this the way it is. So how
20 many cars -- how many cars a day is calculated to add to
21 Decker Road with this development?

22 MR. LUEKEN: Well, so it's 19 lots.
23 So 19 homes. So you know, what happens is that there's
24 quite a few homes on Decker Road. I haven't counted them,
25 and that's only generated 174 trips a day. So those rural

1 lots, they don't generate that many trips.

2 So if it's 2, it's 38, and if it's 3, it's
3 fifty -- 57 or whatever it is. So it's not a lot of trips.

4 COMMISSIONER BOLAND: When was that
5 count?

6 MR. LUEKEN: It was 2010.

7 COMMISSIONER BOLAND: Seven years
8 ago?

9 MR. LUEKEN: Yeah.

10 COMMISSIONER BOLAND: So you don't
11 think it's increased since then?

12 MR. LUEKEN: Well, it -- it probably
13 has.

14 COMMISSIONER BOLAND: Okay.

15 MR. LUEKEN: Right, but I don't know
16 what it has. Probably hasn't increased much. I mean,
17 there's --

18 COMMISSIONER BOLAND: Ten percent?

19 MR. LUEKEN: What's that?

20 COMMISSIONER BOLAND: Ten percent?

21 MR. LUEKEN: It could have. I'm not
22 sure. Even if it's 10 percent, it's still --

23 COMMISSIONER BOLAND: Another 20 cars.

24 MR. LUEKEN: Yeah. One -- it'd be
25 around 200.

1 COMMISSIONER BOLAND: So now -- yeah.

2 MR. LUEKEN: It's still less than 10
3 percent of what T and St. Albans is.

4 COMMISSIONER BOLAND: Well, if you
5 have -- easy math for me. If you have 20 lots and you have
6 3 -- 3 cars per lot, now it's another 60. Now you're at
7 300. So you know -- okay.

8 CO-CHAIRMAN SCHULTEHENRICH: Go
9 ahead, Cameron.

10 MR. LUEKEN: Okay.

11 COMMISSIONER BOLAND: How much ground
12 do -- is the property on Decker Road?

13 MR. LUEKEN: So yeah. So, Todd, let
14 me go back to that. So get back to a former view, Todd.
15 Okay.

16 So for here to there, I think is around 3,000
17 feet, and we looked at other ways to come through there.
18 But we picked the best spot, meaning that every other --
19 there's -- there's no -- there's no place through there
20 where we can get the 400 -- 400 feet.

21 COMMISSIONER BOLAND: But I guess
22 what Bill was asking, correct me if I'm wrong, why can't you
23 put -- I guess he was saying why can't you put a turn lane
24 in and come off it along there?

25 MR. LUEKEN: Yeah, and that's what

1 I'm saying is -- is the -- so what happens is we can move
2 that -- you know, we can move that over. It's a big bank,
3 but theoretically we can dig it, right. But going out the
4 south -- going out the south side going this way, we don't
5 have that right-of-way. We don't have -- we're not in
6 control of that real estate.

7 COMMISSIONER BOLAND: Well, why don't
8 you move this road down to here?

9 MR. LUEKEN: Because then you got to
10 lower -- so we located that east/west road, Todd, at the
11 crest, at the highest point, at the best spot we could.

12 COMMISSIONER BOLAND: Okay.

13 MR. LUEKEN: If we move to the north,
14 then we can't see to the south.

15 COMMISSIONER BOLAND: Okay.

16 COMMISSIONER McCREARY: What if you
17 make an entrance between Lot 7 and 8? Is that lower down
18 and more level?

19 MR. LUEKEN: So we looked at that.

20 COMMISSIONER McCREARY: Yeah.

21 MR. LUEKEN: We looked at that trying
22 to do that, and the issue is, is that it's a problem down
23 there also. The grade is an issue. The -- the -- it's just
24 -- it's an issue down there, you know, because we have to
25 get -- have to shave back the grade.

1 COMMISSIONER BOLAND: Well, what if
2 you go straight through Lot No. 8 and the road?

3 MR. LUEKEN: Yeah, so -- yeah, so I
4 looked at all of that, and it's -- it's -- down there at 7
5 and 8, there is a -- about a 7/8th of bank down there, and
6 we got to -- we'd have to shave that because you're looking
7 -- you know, if you came out -- if you came out right here,
8 Todd, right in that corner right there, we're looking trying
9 -- to try to get 400 feet back to the west and left, the
10 northwest towards Labadie, it's a tremendous amount of
11 material that would have to come out.

12 So one thing that I wanted to add was, is that
13 up here at Stricker, you know -- let me go back to that No.
14 4 here. So if you go out there and look at Stricker Lane,
15 it's not good. One thing that I talked with the developers
16 about that they're entertaining is, is that if the neighbors
17 are okay, they'd be willing to rebuild -- you know, they
18 would let the neighbors come on and use their intersection.
19 So it would be safer for everybody.

20 So that way we wouldn't have Stricker Lane to
21 the south still and in its existing -- its existing
22 situation. So we think it'd be a win for the community to
23 have a safer intersection there.

24 That's Stricker. So basically if the neighbors
25 want to, I think the developer -- I think the developer

1 would be amenable to that. So we're all -- so what I guess
2 I'm saying is that the developer is offering that if that's
3 something the neighbors would like to do.

4 Okay. Sorry. Anybody else?

5 CO-CHAIRMAN SCHULTEHENRICH: Anybody
6 else have any other questions on you -- what he's covering
7 right now? You're going to cover other things as you go
8 through your presentation, right?

9 MR. LUEKEN: Correct.

10 CO-CHAIRMAN SCHULTEHENRICH: Any
11 other questions on the traffic things? Bill?

12 COMMISSIONER McLAREN: I have one
13 more, and it's directed to -- this is really directed to
14 Ron.

15 Is there any time that the County looks at
16 putting a stop sign in at an intersection or changing the
17 speed limit? It seems like some of the speed limits, that
18 this can be corrected by a change in the speed limit also.

19 MR. LUEKEN: It could be. We -- we
20 talked about that. Basically that was the stopping sight
21 distance -- with the stopping sight distance on the level
22 grade is X, downhill is increased, uphill is decreased, and
23 we talked about the -- getting into the actual grade and Ron
24 and I talked about that.

25 And basically the more and more we talked about

1 it, it just more and more in the weeds got, you might say.

2 So we kept going back to this interactive intersection.

3 COMMISSIONER McCREARY: And the speed
4 limit on Decker, is that 35 miles an hour?

5 MR. LUEKEN: I believe it's 45, I
6 think.

7 COMMISSIONER WILLIAMS: Forty.

8 COMMISSIONER McCREARY: Forty-five?

9 MR. LUEKEN: You think it's 40?

10 COMMISSIONER WILLIAMS: We're shaking
11 our head.

12 AUDIENCE MEMBER: Thirty-five.

13 COMMISSIONER McCREARY: That's what I
14 thought, and also not to bring up Austin Ford again, but I
15 think that was 55 and lowered to 50 miles an hour. But
16 again, it had shoulders. It doesn't have the trees right up
17 on -- I mean, they've got a lot wider sight triangle, I
18 guess. Right, is that what they call it? I mean, if you
19 took down the trees where you can see somebody on top of
20 that hill at a wide enough spot, I mean, you're -- like you
21 said, Bill, Austin Ford Road was there before the flashing
22 light was. They -- that was a patch to a problem where
23 basically what we're doing is building a problem and putting
24 a patch on it. I guess is what you're trying to say.

25 It -- there's not a problem there now because

1 there's no intersection there. So instead of trying to
2 patch it, let's try and remove the problem.

3 MR. LUEKEN: There's a problem there
4 now with Stricker Lane.

5 COMMISSIONER McCREARY: Uh-huh.

6 MR. LUEKEN: You know, we're -- we're
7 trying to make a solution to make it better. We're trying
8 to alter the solution to make sure it will be better.

9 COMMISSIONER McCREARY: Right, let
10 Stricker Lane come onto this road?

11 MR. LUEKEN: Right.

12 COMMISSIONER McCREARY: With an
13 active --

14 MR. LUEKEN: Right.

15 COMMISSIONER McCREARY: -- piece of
16 technology that may or may not work at all times. That's
17 the drawback. I mean, you know, of course, that's not
18 guaranteeing somebody's not looking down at their phone
19 while they're driving too. But I mean, I know there's no
20 guarantees, but it just seems that there could be a better
21 solution than depending on a flashing light to help.

22 I mean, I would like that as an added, but to
23 make that the sole reason to accept it. I don't know. Up
24 in the air.

25 CO-CHAIRMAN SCHULTEHENRICH: Then

1 let's move on. Let's let Lueken --

2 MR. LUEKEN: I understand.

3 CO-CHAIRMAN SCHULTEHENRICH: Let's
4 let Cameron move on.

5 MR. LUEKEN: Right, I got you.

6 CO-CHAIRMAN SCHULTEHENRICH: Cameron,
7 why don't you go ahead and move on to --

8 MR. LUEKEN: Right.

9 CO-CHAIRMAN SCHULTEHENRICH: -- the
10 rest of your presentation.

11 MR. LUEKEN: Sure, sure.

12 So there was also a comment made about the
13 sanitary sewer. Like Scottie said, it's not in the Labadie
14 sewer district, but it was brought to their attention
15 sometime, I think the first week or July or so, that there
16 is a sewer in the northwest.

17 So we looked at that, I guess last week, trying
18 to figure out where that's at. And so as evidenced by Ken's
19 e-mail today, Ken Cunningham. They're saying in their sewer
20 here that the several acre, whatever this intersection is
21 here, that's the man we found. We measured that distance
22 along the right-of-way 2,000 feet comes right there.

23 So the Code -- your Code saying that if there's
24 ten lots more than -- if there's more than ten lots -- let
25 me back up. If there's ten or more lots and it's closer

1 than 2,000 feet to a sanitary sewer, it's required to
2 connect.

3 This is over ten lots, but it's actually almost
4 2,600 feet away. It's an additional 575 feet of sewer line
5 required to get to the property line, you might say. So in
6 that case, the subdivision would not be required to connect
7 to the sanitary sewer.

8 So it would be wells -- I'm sorry, not wells.
9 It would be public Water District No. 3 would provide water,
10 and it would be individual septic tanks. Similar to like
11 Hunter's Ridge that's in place. All the way the large lot
12 subdivisions that's laid out in that area.

13 So in conclusion -- do you have a question?

14 CO-CHAIRMAN SCHULTEHENRICH: But you
15 haven't met with -- you haven't met with the sewer district?

16 MR. LUEKEN: So -- so, right. So
17 here --

18 CO-CHAIRMAN SCHULTEHENRICH: Your
19 assumption is based upon the manhole that you discovered out
20 there on that site; is that what you're saying?

21 MR. LUEKEN: Yeah, so like I said, we
22 had an e-mail today from Ken Cunningham. You got the same
23 e-mail, right? That said their nearest manhole is here,
24 Jay, and that is the manhole that I measured from.

25 And I did have a phone conversation with Ken on

1 Monday about this development, and that letter today was
2 basically a summary of what him and I talked about. They
3 actually have a board meeting on Thursday, this Thursday,
4 the 20th I believe, to talk about this development.

5 CO-CHAIRMAN SCHULTEHENRICH: That's
6 what we received tonight and the notification on there. I'm
7 pretty sure on one of the written testimonies that we
8 received that there was one of them, somebody had indicated
9 that they thought that there was a sewer went up to the
10 property line. I don't know. So you're telling us that
11 that's -- to your knowledge right now, that's not the case?

12 MR. LUEKEN: Correct.

13 CO-CHAIRMAN SCHULTEHENRICH: Okay.

14 Any other questions on that?

15 COMMISSIONER McLAREN: May I ask a
16 follow-up real quick?

17 CO-CHAIRMAN SCHULTEHENRICH: Sure.
18 Go ahead.

19 COMMISSIONER McLAREN: Where -- where
20 does the sewer district end --

21 MR. LUEKEN: So --

22 COMMISSIONER McLAREN: -- the sewer
23 district end at?

24 MR. LUEKEN: Yeah, so, Scottie, help
25 me out here, but I think the sewer district boundary, the

1 west -- the eastern most boundary of it is right here. Is
2 that what you told me?

3 MS. EAGAN: It's right along the
4 property line.

5 COMMISSIONER McLAREN: All right.

6 MR. LUEKEN: Okay. So in conclusion,
7 140-acre development. Creates 19 large lot residential
8 lots. Construction will occur in phases. It will be served
9 by a Public Water District No. 3. The Fire District has
10 approved the plans.

11 So any questions?

12 And the developer is here tonight in case you
13 have any questions for him.

14 CO-CHAIRMAN SCHULTEHENRICH: Do you
15 have anything on the runoff or anything there?

16 MR. LUEKEN: Oh, yeah. Sorry.

17 So we did do a raw analysis of it to see -- to
18 figure out, you know, basically what's going to be the flows
19 on it. And we do have a basically had a runoff -- a total
20 runoff coefficient and we calculated that the
21 pre-development is about a .31. The post is about .32. So
22 there is a nearly incalculable amount of additional water.
23 It's a ridge top development similar to what we've doing and
24 to do any type of detention or it just doesn't -- it's
25 nearly -- imperially you can calculate it. Physically to

1 build it would be a challenge.

2 So we don't see there's any adverse effects to
3 the downstream water bodies by this development. But we
4 will be getting a land disturbance permit from DNR, the
5 developer will be, to make sure it's all developed in
6 accordance with the regulations.

7 CO-CHAIRMAN SCHULTEHENRICH: You can
8 correct me if I'm wrong, but when I look at this plat, this
9 preliminary plat, correctly, there will be a runoff
10 primarily on these Lots 1 through 6 going to basically move
11 towards -- towards Decker Road?

12 MR. LUEKEN: Correct.

13 CO-CHAIRMAN SCHULTEHENRICH: So
14 Decker Road will be the one incurring the -- that runoff
15 there?

16 MR. LUEKEN: Correct.

17 CO-CHAIRMAN SCHULTEHENRICH: Then the
18 other lots, everything is -- it looked like to me everything
19 is basically running off of this -- this development onto
20 the stormwater runoff.

21 MR. LUEKEN: Correct.

22 CO-CHAIRMAN SCHULTEHENRICH: Am I
23 correct on that?

24 MR. LUEKEN: Correct.

25 CO-CHAIRMAN SCHULTEHENRICH: Is there

1 creeks around there that will absorb that water? I know,
2 you're saying that's much -- too much water coming off, but
3 I'm thinking of a potentially heavy downpour for a period of
4 time. I'm just curious as to, you know, is there's creeks
5 that would absorb some of that to carry it away from other
6 potential properties --

7 MR. LUEKEN: Yeah, they --

8 CO-CHAIRMAN SCHULTEHENRICH: --
9 adjacent?

10 MR. LUEKEN: It's going to be all in
11 the existing drainage channel that's there now. We're not
12 going to be altering any of the existing drainage channels.
13 It's basically the road is on top of the ridge.

14 So to answer your question, like I said, it's
15 .32 and .31. So it's like -- if you can imagine, it's 100
16 cfs and got to clear 1 cfs -- that 1 cfs.

17 CO-CHAIRMAN SCHULTEHENRICH: I'm not
18 familiar with -- you're talking in a term there that --

19 MR. LUEKEN: Yeah, right.

20 CO-CHAIRMAN SCHULTEHENRICH: -- I'm
21 not familiar with.

22 MR. LUEKEN: But it -- it's nearly
23 incalculable, and it's -- it's nearly physically impossible.
24 It's -- it's -- you can calculate it, but it's nearly
25 impossible to regulate with a retention basin and impossible

1 to build, that small amount.

2 CO-CHAIRMAN SCHULTEHENRICH: There
3 appears to be some existing treelines, et cetera that -- are
4 those not indicated on your preliminary plat. I understand
5 that you --

6 MR. LUEKEN: Yeah, we're --

7 CO-CHAIRMAN SCHULTEHENRICH: Are you
8 going to be leaving some of those around there or something?

9 MR. LUEKEN: Correct. Yeah, so as
10 you can see -- let me get to a better picture here for you.
11 Yeah, so basically the way the road comes around here. The
12 road runs around here like this. So the only trees that are
13 going to be basically removed is the trees that are up in
14 here in the front yards and the road, and the road as it
15 penetrates here, we can do four at one time.

16 So as far as the tree canopy, there's going to
17 be -- there's just not a lot of trees going to be removed to
18 build the houses and build the roads in this development.

19 CO-CHAIRMAN SCHULTEHENRICH: Am I
20 looking at the residents below 13 and 12, Lots 13 and 12?
21 Is that residents there?

22 MR. LUEKEN: Yeah, there will be a
23 house and it would be probably in here somewhere and a house
24 would probably be here somewhere.

25 CO-CHAIRMAN SCHULTEHENRICH: And

1 you're telling me on stormwater runoff that will run 13 and
2 12. Is there anything to address that potentially, or is
3 that water running off towards --

4 MR. LUEKEN: This water here, Jay?
5 This, Jay, here runs this way. It runs this way.

6 CO-CHAIRMAN SCHULTEHENRICH: Okay.
7 All right. And the ones that are on Stricker Lane, I
8 understand there's four that are on Stricker Lane, if I
9 recall, reading that correctly, and those properties there
10 are -- the water is going to run towards Stricker Lane in
11 that regards?

12 MR. LUEKEN: Correct.

13 CO-CHAIRMAN SCHULTEHENRICH: Is
14 Stricker Lane high enough?

15 MR. LUEKEN: Stricker Lane is lower
16 than the proposed road.

17 CO-CHAIRMAN SCHULTEHENRICH: So is
18 there any -- where is the water -- where is the runoff?
19 Are you familiar with that, on Stricker Lane as to where
20 that water runs to?

21 MR. LUEKEN: The --

22 CO-CHAIRMAN SCHULTEHENRICH: It runs
23 towards?

24 MR. LUEKEN: There's -- Stricker Lane
25 runs east to west. There's a high point probably right

1 where this says T or R right in here. And this road is
2 where it runs out onto towards the east on Stricker. It
3 runs south on Decker. There's a crown on that road, a ditch
4 on the other side, and then here it runs to the west on
5 Stricker.

6 CO-CHAIRMAN SCHULTEHENRICH:
7 Basically 18 and 19 will be caught by Stricker Road, and
8 make it out to the state highway where you describe it
9 somewhat?

10 MR. LUEKEN: There -- there will be a
11 crown -- this roadway is built with two crowns, and the
12 water is going to run off -- basically sheet flow to
13 Stricker as it does now. Eighteen at some point, the water
14 will turn and go -- go through the turn and goes -- so it's
15 going to be the same way it's going to go now. We're not
16 going to alter that flowback on Stricker.

17 CO-CHAIRMAN SCHULTEHENRICH: Well, I
18 mean, if you're facing the 14, 15, 16 and those over towards
19 Stricker, you may in fact alter it somewhat probably.

20 MR. LUEKEN: No, the 14, 15, 16, 17,
21 and 18 will not drain on Stricker Lane. Only unfortunately
22 half of the road here. So a little triangle here, Jay, and
23 half the road and half of this will drain on Stricker. The
24 rest goes down the -- the ditch. There's a ditch here, a
25 wooded ditch.

1 CO-CHAIRMAN SCHULTEHENRICH: So there
2 is a ditch or a creek or something that --

3 MR. LUEKEN: Right.

4 CO-CHAIRMAN SCHULTEHENRICH: --
5 collects some of that water --

6 MR. LUEKEN: Correct.

7 CO-CHAIRMAN SCHULTEHENRICH: -- that
8 you're describing to me?

9 MR. LUEKEN: Correct.

10 CO-CHAIRMAN SCHULTEHENRICH: Okay. I
11 just don't like to see water runoff, okay, --

12 MR. LUEKEN: Sure.

13 CO-CHAIRMAN SCHULTEHENRICH: -- on
14 other people's property potentially causing some change in
15 their --

16 MR. LUEKEN: Right.

17 CO-CHAIRMAN SCHULTEHENRICH: --
18 topography or whatever on there.

19 MR. LUEKEN: Sure.

20 CO-CHAIRMAN SCHULTEHENRICH: Any
21 other questions in that regards? Bill?

22 COMMISSIONER McLAREN: I don't know
23 whether it's an appropriate question or not, but there's two
24 lots basically. I know you say they're not included, but
25 the -- the remainders that are left, do they have other

1 access to -- to get the -- the 16 acre lot and the 21 acre
2 lot, is there other accesses that they don't have to use the
3 subdivision roads or --

4 MR. LUEKEN: Correct.

5 COMMISSIONER McLAREN: There's a few
6 remainders that are left.

7 MR. LUEKEN: Correct. So this
8 property here was acquired by a gentleman to the west of the
9 subdivision. This was a boundary line adjustment.

10 COMMISSIONER McLAREN: Okay. So
11 that's --

12 MR. LUEKEN: It's not in the
13 subdivision.

14 COMMISSIONER McLAREN: Okay.

15 MR. LUEKEN: This up here was
16 acquired by another gentleman who has an access off of
17 Decker Road nearby 'C', where it says 'C' right here.

18 COMMISSIONER McLAREN: All right.

19 MR. LUEKEN: There's a -- so...

20 COMMISSIONER McLAREN: It just --

21 MR. LUEKEN: Yeah.

22 COMMISSIONER McLAREN: It was
23 confusing the way it looked on here. It looks like
24 remainders.

25 MR. LUEKEN: Right.

1 CO-CHAIRMAN SCHULTEHENRICH: When you
2 looked at -- I know you said about Stricker Road, because
3 that was the one -- when I was looking at this was the one
4 that popped up to me was Stricker, Stricker Lane. Stricker
5 Lane that was so close to the entrance into this
6 subdivision.

7 MR. LUEKEN: Right.

8 CO-CHAIRMAN SCHULTEHENRICH: Okay. A
9 hundred and 50 feet is not very far. My concern there is,
10 is you offered that to the residents, which I think was a
11 good gesture. Okay.

12 But if they don't take you up on that,
13 potentially -- have you done a study as to when the roads
14 are that close together, okay, for the purpose of turning,
15 et cetera, whether there is a traffic -- true traffic issue
16 at that point in time?

17 MR. LUEKEN: Right. As a general
18 rule of thumb, what typically is the case, is about a 200
19 foot spacing. Typically what we use from road to road, 200,
20 220, something like that.

21 In this case, Jay, we would have moved it
22 further to the north if we could have, but we're at -- we're
23 at the crown where it is. It's a very -- we looked at
24 trying to treat it, you know, 10, 20 feet at a time to try
25 to hit that sweet spot. And where we got it drawn is -- is

1 basically the sweet spot, and you know, I think if the
2 developer was not offering to relocate Stricker Lane, I -- I
3 agree with you it would make it worse. But I think that --
4 I think once it's built, I think the people are going to see
5 that while this is a lot better than Stricker.

6 So Stricker would eventually, if the residents
7 choose to drive up that way, that Stricker will be gone,
8 will be dozed out.

9 CO-CHAIRMAN SCHULTEHENRICH: To me
10 it's like -- what I was reading and looking at it, to me the
11 best option would be for the -- potentially for the
12 residents to move over to the new driveway.

13 MR. LUEKEN: Sure.

14 CO-CHAIRMAN SCHULTEHENRICH: Or exit
15 there. That -- I'm just concerned that that option may be
16 there, but I mean, again it's up to the residents to make
17 that decision.

18 You're coming after they've lived in there for
19 some period of time.

20 MR. LUEKEN: We're trying to make it
21 better for them.

22 CO-CHAIRMAN SCHULTEHENRICH: I
23 appreciate that all the time, that people should improve the
24 surroundings. Okay. So --

25 MR. LUEKEN: Uh-huh.

1 CO-CHAIRMAN SCHULTEHENRICH: All
2 right.

3 Questions?

4 COMMISSIONER REINHOLD: I got a
5 question.

6 Did you look and see about running the road out
7 to Stricker Road and then coming up to it?

8 MR. LUEKEN: Yeah. So Stricker --
9 Stricker Lane, Tim, is -- you know, it's -- it's a bad --
10 you can't see to the north.

11 COMMISSIONER REINHOLD: Okay.

12 MR. LUEKEN: So we looked at that
13 also, which obviously to do that, it makes it worse and you
14 have to get their permission, the neighbors' permission.

15 COMMISSIONER REINHOLD: Okay.

16 MR. LUEKEN: So we -- because it was
17 -- because it was worse, we didn't go after and try to
18 obtain that permission.

19 COMMISSIONER REINHOLD: Okay.

20 CO-CHAIRMAN SCHULTEHENRICH: Is it
21 the developer's intention to meet with the sewer district to
22 see if that may in fact be a possibility of bringing sewers
23 into that subdivision, or is that basically with the
24 regulations as they currently exist, there is no requirement
25 for you to do so? But is it potentially being looked upon

1 by the developer that maybe that would be something that
2 might be considered?

3 MR. LUEKEN: So let me answer that
4 question in parts. But yes, the developer is willing to
5 meet the sewer district. We did talk to them about it, but
6 what happens there is that the district -- the district's
7 most likely going to say you build it and we'll take it
8 over. Meaning that if the sewer district is saying we'll
9 build it to your property and that's -- that's one
10 possibility, right. But I doubt they're going to do that.

11 Based upon them not building it to the property
12 line, the developer has to extend 2,500 feet of sewer line,
13 which is a substantial amount. Plus then putting it in the
14 subdivision, which is another substantial amount. And
15 that's not going to come to equating to having individual
16 drain fields.

17 Meaning that, you know, in -- in this -- this
18 is wading into the weeds, but I will say this, that DNR is
19 trying to move away from point discharges, move away from
20 that stuff. They, DNR, would rather see this in a -- an
21 appropriately designed drain field go in the ground rather
22 than have more water moved down to a point of discharge.
23 That's DNR's feeling now.

24 They would rather see more -- they don't like
25 point discharges, I guess. Least of all the -- among the --

1 all the TSS, all the -- all that stuff like that. So even
2 though the sewer district -- if something is necessary to --
3 to capture all these developments you don't have any surface
4 area to put back in the ground.

5 CO-CHAIRMAN SCHULTEHENRICH: It does
6 require a lift station if there was to be put to there, you
7 say?

8 MR. LUEKEN: Yes. It would require a
9 -- so 19 -- these lots on the south side of the ridge, they
10 would put a lift station in.

11 COMMISSIONER REINHOLD: The way I
12 look at it, Jay, if he brings sewer to that, he's going to
13 break them into half-acre lots. So you got to think about
14 that. That's what I would do.

15 MR. LUEKEN: Yeah, I mean, it's --
16 it's a matter of economics. And so it's like Tim said, it's
17 zoned CD. So you can do 22,000 square foot lots. I think
18 the community would rather see large lots than quarter lots
19 -- or half-acre lots. Sorry.

20 CO-CHAIRMAN SCHULTEHENRICH: Any
21 other questions then on that from any of the Commissioners?

22 MS. EAGAN: I have a question.

23 CO-CHAIRMAN SCHULTEHENRICH: Yeah.
24 Scottie.

25 MS. EAGAN: Have you and the

1 developer discussed the whole road situation? I know we
2 talked about it in the past, and you were saying they were
3 thinking about going to gravel, but your plat says pavement.

4 MR. LUEKEN: Right. So I did discuss
5 that with the developer. You want me to answer that
6 question or him to answer the question?

7 MS. EAGAN: Whichever.

8 MR. LUEKEN: Yeah, so it looks like
9 what's going to happen is, is that we -- we need to change
10 that to surface, you might say.

11 MS. EAGAN: Right.

12 MR. LUEKEN: But his desire is that
13 these are going to be nicer homes, the lot is going to be
14 high enough that he's going to eventually do asphalt. But
15 it may not be the first year. It may be the second year.
16 So --

17 MR. EAGAN: Okay. So when you amend
18 your plat to include that, also make sure you get that
19 treeline in there.

20 MR. LUEKEN: Yeah, not a problem.

21 MS. EAGAN: And all that stuff.

22 MR. LUEKEN: Yeah.

23 CO-CHAIRMAN SCHULTEHENRICH: Scottie,
24 what else needs to be added to the plat? You just mentioned
25 a couple of things.

1 MS. EAGAN: The treeline and then
2 whatever trees he's going to remove. We need to see that,
3 as well as the surface. Because right now it says he's
4 going to do it with rock, asphalt or concrete -- or no,
5 rock, chip and seal, asphalt or concrete, and we just want
6 it to say, you know, it will be in the regulations so we
7 don't have a -- exactly what he's doing if he's not going to
8 do it.

9 And then as long as Ron's okay with the
10 stormwater, we'll be fine in our department with it. Well,
11 and of course, and the entrance.

12 CO-CHAIRMAN SCHULTEHENRICH: Traffic
13 goes -- the entrance becomes more of, I think, an issue from
14 what I've heard from some of the Commissioners here as to
15 that, whether that flashing light is basically -- and this
16 is -- MoDOT is agreeable with this?

17 MR. LUEKEN: So -- so to be clear,
18 this is a county road. It's not a state road. So we did
19 not engage MoDOT.

20 CO-CHAIRMAN SCHULTEHENRICH: I
21 thought you said it was St. Albans -- I'm sorry -- Decker.
22 But this is not Highway T. I'm getting it confused with the
23 other that you talked about earlier. Okay. But this is
24 Decker Road, a county road?

25 MR. LUEKEN: Correct. That's why we

1 have Ron's --

2 CO-CHAIRMAN SCHULTEHENRICH: Ron is
3 okay with it?

4 MR. LUEKEN: That's where I met Ron
5 and we talked about the different options about it, yeah.

6 CO-CHAIRMAN SCHULTEHENRICH: Okay.

7 Any other questions?

8 COMMISSIONER McCREARY: Yeah. Again,
9 what was the difference in cost between the radar sign and
10 actually lowering the road?

11 MR. LUEKEN: Yeah, so -- so there's
12 two things. One is the cost, right, and that was about 150,
13 hundred thousand dollars to lower the road, versus \$30,000
14 for these lights.

15 COMMISSIONER McCREARY: Okay.

16 MR. LUEKEN: But the bigger thing is
17 the right to do that. Mean, that we don't even have the
18 right to spend that money without acquiring right-of-way
19 from people out there.

20 So even if the developer wanted to do it, he
21 couldn't do it without the County -- we would have -- we
22 would have -- you know, obviously what we do is we go to try
23 to negotiate with these people in good faith, right. Say,
24 hey, we're going to make this road here better, make the
25 county road better, but there's nothing that's going to say

1 that they have to give us the right-of-way.

2 COMMISSIONER McCREARY: Right, but I
3 mean, basically all you're talking is -- was that Lot 19,
4 Stricker Lane there, you're talking about those people,
5 getting their permission, that you're going to run onto the
6 main road going -- the only road going out anyways, right?

7 MR. LUEKEN: Okay. And --

8 [CROSSTALK]

9 COMMISSIONER McCREARY: You have --
10 you have everything to the -- to the north --

11 MR. LUEKEN: We have --

12 COMMISSIONER McCREARY: -- as far as
13 cutting down and putting the shoulders, do whatever you
14 need? All you need to do is get permission from the
15 neighbor to the south there, right?

16 MR. LUEKEN: Right, and the easement.

17 COMMISSIONER McCREARY: And then you
18 could do it.

19 MR. LUEKEN: Well, in theory, if we
20 got permission from the neighbors to the south, yeah.

21 COMMISSIONER McCREARY: Which you
22 were going to ask if they come onto your road both ways.

23 MR. LUEKEN: Yeah, then -- so then
24 there's two of the neighbors that are in the immediate
25 property. But then there's all those people that have

1 rights to Stricker Lane. So we got to make sure that the
2 underlying property owner is okay.

3 COMMISSIONER McCREARY: Right.

4 MR. LUEKEN: And plus the people have
5 the easement rights on Stricker Lane too.

6 COMMISSIONER McCREARY: Okay.

7 MR. LUEKEN: It's just something we
8 don't -- we can't guarantee that --

9 COMMISSIONER McCREARY: Right, I
10 understand.

11 COMMISSIONER BOLAND: Have you tried
12 it?

13 MR. LUEKEN: I have not.

14 CO-CHAIRMAN SCHULTEHENRICH: Cameron,
15 by chance did you see if there has been any accidents on
16 Stricker Lane entrance or onto Decker Road over the past few
17 years or anything like that?

18 MR. LUEKEN: I did not. I did not
19 investigate the incident occurrence at that intersection.

20 CO-CHAIRMAN SCHULTEHENRICH: I know
21 you're not responsible to. I'm just was curious if you had.

22 And, Ron, you are -- but you are -- this
23 flashing light is something that you would -- the County
24 would be agreeable to?

25 COMMISSIONER WILLIAMS: Well, you

1 decided to ask me a question.

2 CO-CHAIRMAN SCHULTEHENRICH: Just
3 tell us your thoughts on it.

4 COMMISSIONER WILLIAMS: Well, I'll
5 just hit the two -- the two good ones here.

6 The first one is stormwater. Although we might
7 have some slightly incremental increases, I'm calculating
8 that if you've got 3,000 to 5,000 square feet of impervious
9 area in each one of those lots, you're going to have
10 somewhere between 1 percent to 2 percent impervious area
11 over the whole development. And any time you grade
12 impervious areas, you have to do something with stormwater.

13 It doesn't have to be a detention basin. Maybe
14 on the individual lots with they be rain barrels or however
15 you decide to do that. But you're going to have to propose
16 something.

17 MR. LUEKEN: Okay.

18 COMMISSIONER WILLIAMS. Okay. That's
19 the easy one.

20 This discussion about the entrance has come up
21 because the first tact was to come in and try to get an
22 entrance permit for the subdivision from the Highway
23 Department. They were turned down due to the sight distance
24 issue.

25 So hence, the proposal has come up to use this

1 -- this signal light, I'll call that. There is a technical
2 name for it, but when Mr. Lueken come in and talked to me
3 about it about two weeks ago, I believe it was, said it was
4 up there at Austin Ford and Highway T, and MoDOT had
5 responsibility of Highway T. So I went out and looked at
6 it, then I called MoDOT.

7 The way they work is they have the video
8 detection like your traffic signals do now where they get
9 the signal when they see the vehicle. And automatically
10 through wireless connections will -- will tell the signal to
11 come on.

12 Once that passes, it's our light going from
13 green to yellow. It -- it turns it off. So what you're
14 doing is notifying the people on Decker Road that there's a
15 car right at that intersection of the subdivision.

16 I -- I think it would work, but a couple of
17 thinks I addressed with Mr. Lueken is the County is not
18 going to be responsible for that thing once it -- once it
19 gets put in. So we have to figure out a way for them to do
20 that, and I'm not sure that there's any way that we can
21 allow it to in without changing our regulations.

22 Is that correct, Mark? I'll defer to you.

23 COUNTY ATTORNEY VINCENT: There's a
24 way, but it's going to be very burdensome. We would have to
25 have a contract with the developer and some kind of bonding

1 mechanism so that it would be there after all the lots are
2 sold then we won't have the same problem what happened with
3 the detention basin, where nobody maintains it.

4 COMMISSIONER WILLIAMS: Okay, so --

5 COUNTY ATTORNEY VINCENT: So it can
6 be done, but it will be bear.

7 COMMISSIONER WILLIAMS: Okay. But as
8 far as the -- the operation, I think it would work. I don't
9 know whether a turn lane is going to do. You could -- what
10 you're trying to do is protect the car turning out, not so
11 much those going in. I mean, that's the ones you got to
12 worry about because they got the limited sight distance.

13 They can't -- they can't see the car coming up
14 because it's 200 and some odd feet, and they really need
15 close to 400 feet.

16 You know, we can get it done and we don't have
17 to maintain it, MoDOT seems sold on it. The person I talked
18 to at traffic, at the district office, they -- they said
19 they're going to start installing -- they've installed a
20 number of them across the state already in some high -- high
21 -- or limited-sight distance, as they call them,
22 intersections.

23 COMMISSIONER McCREARY: Uh-huh.

24 CO-CHAIRMAN SCHULTEHENRICH: Any
25 other questions by the Commissioners?

1 COMMISSIONER McCREARY: Ray [sic], am
2 I to understand as it is, without light or anything, it
3 would not pass muster as far as what you normally require?

4 COMMISSIONER WILLIAMS: Oh,
5 definitely. I mean, again they -- a permit was applied for
6 for a commercial entrance, and we turned it down because of
7 sight distance issues.

8 COMMISSIONER McCREARY: Okay.

9 COMMISSIONER WILLIAMS: That's why
10 they went to a plan B or C or something else that -- to do
11 this because they realized there's an issue there.

12 COMMISSIONER McCREARY: Got you.
13 Thank you.

14 CO-CHAIRMAN SCHULTEHENRICH: Any
15 other questions?

16 It looks to me like there you got certain
17 things that you need to add to the preliminary plat, okay,
18 and Ron mentioned stormwater needs to be looked at in that
19 regards, and the treeline and I think there needs also to be
20 something at least that they may -- I have the utmost
21 respect to engineers to try to address issues and to see
22 that all of a sudden there may be another viable option that
23 may not have been thought of on the drawing up of a
24 preliminary plat. Okay.

25 So -- and I still have concerns with regards to

1 this traffic light situation. Okay. I hear Ron saying
2 about the cars coming out. One of my concerns though is
3 cars that would be turning in. Okay. That there's cars
4 coming the other way, all of a sudden you've got a car
5 coming up on that car that potentially is going to rear end
6 them. Okay.

7 And that's where I think -- I think there may
8 have had a valid point there, but be that as it may. But if
9 the Commissioners wish to vote on it tonight, we certainly
10 can.

11 Other wise, I might make a suggestion that we
12 would look upon maybe tabling this and ask Cameron to come
13 back with a -- with a readdressed preliminary plat and --
14 and let us look at that at the next meeting. And that would
15 be certainly a suggestion that I might throw out to the
16 Commissioners to consider. Okay.

17 COMMISSIONER HAIRE: Okay.

18 CO-CHAIRMAN SCHULTEHENRICH: But if
19 you wish to move it forward to approve it tonight or to deny
20 it tonight, then certainly I would entertain either of those
21 two motions as well. Or I'll entertain a motion to table
22 and ask the developer to come back with a revised
23 preliminary plat for consideration and potentially mostly to
24 see again with the revisions that I think Scottie has
25 mentioned and Ron has mentioned as well.

1 Okay. So what is the wishes of the Commission
2 tonight?

3 COMMISSIONER McCREARY: Scottie, if
4 we vote on it and it does not pass, it starts the whole
5 process over, he has to --

6 MS. EAGAN: No. If you vote on it
7 tonight and the plat's rejected, they have three months to
8 fix the problems and resubmit it.

9 If that three months passes, then the process
10 starts over again.

11 COMMISSIONER McCREARY: Okay. And if
12 we table it, it's -- we have to leave it open for a certain
13 date till next month?

14 MS. EAGAN: Yeah, you can table it
15 till next month or whatever date you choose.

16 CO-CHAIRMAN SCHULTEHENRICH: My
17 suggestion is next month, 30 days or whatever it is. I
18 think that would give the time to come back and at least
19 maybe there would be a means of making some of the
20 Commissioners feel a little bit more -- maybe more
21 comfortable on a few things.

22 COMMISSIONER McCREARY: Okay. At
23 this time, I would like to make a motion to table this to
24 next month and we leave it open till next month.

25 MS. EAGAN: Well, you'd have to if

1 you want him to submit another one.

2 COMMISSIONER McCREARY: I was just
3 saying not -- not like just till the Review Committee meets,
4 two weeks, whatever. Okay.

5 Then that's my motion, to leave it open -- to
6 table it and leave it open till next month.

7 CO-CHAIRMAN SCHULTEHENRICH: Okay.
8 I'll accept that as a motion. Do I have a second to that
9 motion? Do I have a second to that motion?

10 COMMISSIONER HAIRE: I'll second it.

11 CO-CHAIRMAN SCHULTEHENRICH: Second.
12 All those in favor to table in this File 170135 until next
13 month indicate by saying aye.

14 COMMISSIONER REINHOLD: Aye.

15 CO-CHAIRMAN SCHULTEHENRICH: Aye.

16 COMMISSIONER VOSS: Aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER WILLIAMS: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER HAIRE: Aye.

21 COMMISSIONER McCREARY: Aye.

22 CO-CHAIRMAN SCHULTEHENRICH: All

23 opposed?

24 [NONE]

25 The ayes have it. So this matter will be

1 tabled until next month and put on the agenda for next
2 month.

3 Move on to the next topic and that is, is there
4 anybody here on the Commission to bring anything to our
5 attention at this point in time? Bill?

6 COMMISSIONER McLAREN: I guess I have
7 a question just because -- I have a question just because of
8 this evenings conversation, and I don't really -- I -- I
9 think I'd like to understand a little bit better the
10 clarification on the 2,000 feet.

11 If -- I don't know how, just because there's
12 public sewer within 2,000 feet, if you're not in that sewer
13 district, how we can require somebody to connect onto it.
14 You know, or it does say here in 2,000 feet to the city
15 limits. Well, a city -- a city's just not going to
16 necessary connect you -- let you connect to their sewer
17 system, I don't think.

18 MS. EAGAN: Well, I mean, if a
19 district says no, we don't enforce them to do it. We've had
20 it before where people have been within our distances that
21 we say within 500 feet, 200 feet, and we'll get a letter
22 from the district saying no, we can't handle it at this
23 time. We won't let them connect, and we take that.

24 COMMISSIONER McLAREN: So if the
25 district says no, then you're --

1 MS. EAGAN: Yeah, like Brush Creek
2 for a long time wasn't accepting anybody to be on their
3 sewer district you guys were still doing major subdivisions.

4 COMMISSIONER McLAREN: Okay. So if
5 -- and it has nothing to do with the proximity to the sewer
6 district, it's the proximity to the actual facility, the
7 last manhole?

8 COUNTY ATTORNEY VINCENT: No.

9 MS. EAGAN: The way it reads -- I'll
10 read it word for word. It just says if it's more than 10
11 lots and within 2,000 feet of existing public water or sewer
12 lines, the distance shall be measured along public easement,
13 then that development is required to have central water and
14 central sewer.

15 COMMISSIONER McLAREN: But as long as
16 the district approves?

17 MS. EAGAN: Right. I mean, we can't
18 force a district to make them connect.

19 COMMISSIONER McCREARY: Scottie, is
20 there a way we can find out if they have enough capacity to
21 add this --

22 MS. EAGAN: Well, that's why we
23 notify the districts.

24 COMMISSIONER McCREARY: --
25 subdivision? Okay.

1 MS. EAGAN: So that's --

2 COMMISSIONER McCREARY: So then they
3 haven't got back to you?

4 MS. EAGAN: That's why we're waiting
5 for -- yeah. We didn't have the contract information for
6 Labadie Sewer District, and we finally got it in the
7 beginning of July. So that's why we're kind of behind on
8 it.

9 COMMISSIONER HAIRE: But they're
10 meeting the 13th. So we should have that information --

11 MS. EAGAN: Yeah, he said they'll
12 give us the comments after they meet on Thursday.

13 CO-CHAIRMAN SCHULTEHENRICH: Okay.
14 Ron?

15 COMMISSIONER WILLIAMS: One other
16 thing on -- on that, the creek, many times, whether it be a
17 service or you know, the facility or what have you, they
18 will have different rate structures depending on whether or
19 not you're in the city or out, or outside the district or
20 outside the district. And obviously if you're outside,
21 you're going to pay more.

22 They'll allow you to connect, but if they allow
23 you to connect, you're definitely going to pay more than you
24 have -- than you would as somebody in the district. And a
25 great many times, if you've taken federal funds -- Heavens

1 forbid -- to construct sanitary sewer lines, you may be
2 mandated to allow them to attach.

3 CO-CHAIRMAN SCHULTEHENRICH: Okay.
4 Any other comments, any other questions from the
5 Commissioners? If not, Scottie, I'll turn to you for your
6 report.

7 MS. EAGAN: I don't really have much.
8 We did get a -- an application on Monday, the last day, to
9 appeal the Muckler file. So that will be going before the
10 BOZA next month, and we'll keep you guys notified of what
11 happens.

12 So that's all I have.

13 CO-CHAIRMAN SCHULTEHENRICH: Anything
14 else? And other than that, then I'll entertain a motion to
15 adjourn.

16 COMMISSIONER McLAREN: So moved.

17 COMMISSIONER BOLAND: Second.

18 CO-CHAIRMAN SCHULTEHENRICH: Motion
19 and a second. All those in favor of adjourning please
20 indicate by saying aye.

21 COMMISSIONER REINHOLD: Aye.

22 CO-CHAIRMAN SCHULTEHENRICH: Aye.

23 COMMISSIONER VOSS: Aye.

24 COMMISSIONER McLAREN: Aye.

25 COMMISSIONER WILLIAMS: Aye.

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COMMISSIONER BOLAND: Aye.
COMMISSIONER HAIRE: Aye.
COMMISSIONER McCREARY: Aye.
CO-CHAIRMAN SCHULTEHENRICH: Opposed?
[NONE]

The ayes have it. Meeting is adjourned.

[Thereupon, the proceedings
concluded at 8:40 p.m.]

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that the aforementioned was held at the time and in the place previously described; that the proceedings were taken down in stenographic notes by me, and transcribed by me, or under my supervision, to best of my ability; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Hertweck, Court Reporter
Notary Public, State of Missouri

My Commission Expires:
August 26, 2018

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